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Catharine Crest

"Ducit Amor Patriae"

NIAGARA HISTORICAL SOCIETY

Niagara-on-the-Lake, Ont.

No. 40

RECORDS OF NIAGARA

1784-9

Collected and Edited
by

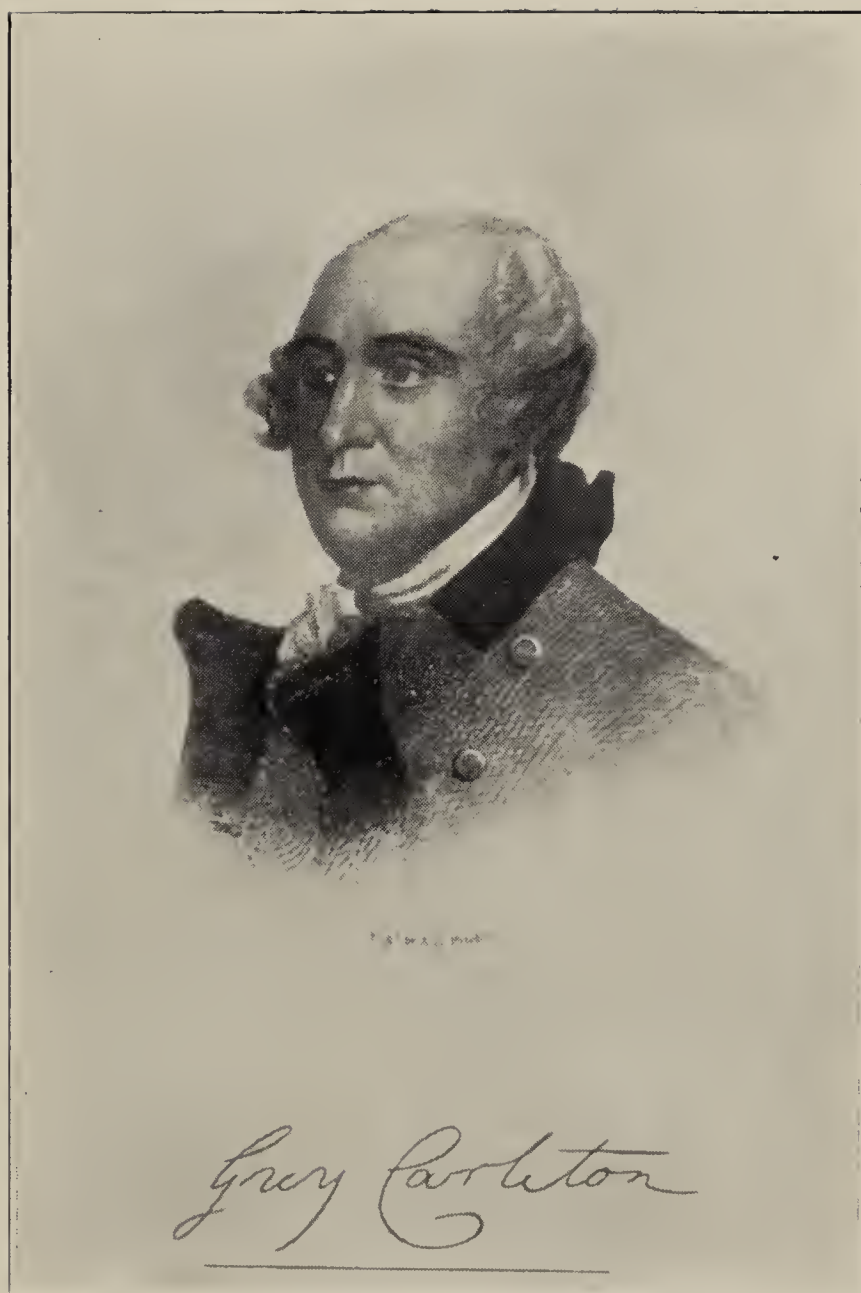
BRIG. GENERAL E. A. CRUIKSHANK

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LORD DORCHESTER

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Allen County Public Library
900 Webster Street
PO Box 2270
Fort Wayne, IN 46801-2270

RECORDS OF NIAGARA.

1784-9.

The following letters written by John Dease, while he was acting as deputy superintendent of Indian affairs at Niagara in the absence of Colonel Butler did not come to the attention of the editor in time to be included in their proper chronological order in the last publication of this society. They are considered of sufficient historical value to warrant their publication now. Dease was a kinsman of Sir John Johnson, whom, it will be observed, he addresses as his cousin, and probably owed his appointment to his influence. When Butler returned, Dease was appointed commissary of Indian affairs at Michilimackinac. In July, 1787, a council of the chiefs of the nations of Indians in the far west was held there, at which he appeared as Sir John Johnson's representative and presented to them a written treaty of peace with each other which they were induced to accept and ratify. But his term of office at that post was short for a number of the leading traders soon after signed a memorial, in which they alleged that "the goods destined as presents to the Indians have been privately traded against our interests, and that the store established for the protection of Commerce has become itself a trading post entirely opposed to our interest." This complaint was deemed so serious that a court of inquiry was held and evidence taken at great length. This evidence and the defence made by Dease and Ainse, his chief interpreter, were referred to the Attorney-General and Solicitor-General for the Province of Quebec, who reported that "Mr. Dease being the superior is the more immediately accountable and responsible, but Mr. Ainse has shown nothing to excuse himself, nor have either discharged themselves in our opinion of the very heavy charges which lay against them."

Dease was permitted to retire on a pension of one hundred pounds per annum.

FROM JOHN DEASE TO SIR JOHN JOHNSON.

(2)

Carleton Island, August the 10th, 1784—

Dear Sir John:

After encountering a Variety of difficulties & those encreased by a Continuance of bad Weather (by which I have Almost All my Stores, Cloths &c. Spoil'd) I arrived at Cataraqui the 3rd Inst. there was no Vessell there & Majr. Ross informed me that the two Vessells Destin'd for the navigation of Lake Ontario Viz. the Limnade & Caldwell wou'd return to the Island. I came here Yesterday and in the Even'g the Caldwell Appeared in sight & arrived. She is now Onloading but not having a Sufficiency of hands to Navigate her She cant Return to Niagara without two in Addition to three She has on board. As the Commanding Officer tells me I may Remain here perhaps a fortnight if I wait the return of the Limnade for a passage over therefore think it Advisable to hire two men if to be had, I Shall Set out for Niagara by the first fair Wind from whence I Shall Write to You more fully.

I am With Affect'te. Wishes for Yourself & Family,

Dear Cousin,

Yours,

JOHN DEASE.

Sir John Johnson Bart &c.

(A.L.S.)

FROM JOHN DEASE TO SIR JOHN JOHNSON.

Niagara August 21st, 1784.

Dear Sir John:

Altho' I made as much Dispatch as wind, Weather and Other circumstances wou'd permit, I Did not Arrive here Untill the 18th Inst. Coll. Butler had saild from Niagara in the Limnade which we pass'd on the Lake, Consequently Cou'd not present him Your Letter Which by Direction of Coll. Depeyster I Open'd, As he imagined Something Necessary for my information might be containd in it. I now send it back to You with the list which accompanied it.

It is Extremely unlucky for me to take the management Of the Department here in its present Situation, Destitute of Almost All the most necessary Articles with which the Indians are usually Supplied, their Disappointment is the Greater as they were taught to believe that I shou'd Bring up wherewith to Satisfy their present Wants. I cant find that Coll. Butler has left A Single paper Relative to the Department here I Applied to Coll. Depeyster, to Mr. Thos. Butler, in Short to every person here on that Subject but without Success, the Great inconvenience to

Which this Subjects me can only be remov'd by Your Being So Good as to order Copies to be made out of Such papers as you Judge necessary for my instruction, it wou'd be a most Difficult task, curtaild as the Department is at present, to procure Exact Returns of the Different Indians dispers'd thro the remote Villages of the Indian Country.

On my Arrival here I found Kavangwaraghthon & family who came Down by invitation to receive some final marks of Coll. Butler's regard, but Seems Extremely hurt & Disappointed that the Coll. has forgot Even to bid him Adieu. I Appologised for him & Dismiss'd him pleas'd with Such a present As Our Circumstances wou'd Allow. Kayashota is here & much in the same predicament—I was much Distress'd at our parting in not being able to furnish them with their belov'd Walking Stick (there not being a Gallon of Rum public or private on the Ground) I therefore by Consent of Coll. Depeyster broach'd a Cask of Port for their Use—I have had frequent Applications for tea Sugar, Barley Rice &c. for the Indians who begin to be very Sickly in their Villages. I hope you will Settle with Doctor Constable Some Method of having his place here properly Supplied.

The ruinous Condition in which I found the house & indeed every thing belonging to the Department here induced me to Apply to the Commanding Officer for Assistance to make the house habitable As well as the forge & Quarters Belonging to the Interpreters &c., but that being out of his Power he Advis'd me to employ people for that purpose which I Shall do on the most œconomical plan—I must beg leave to remind You that we have no Store here Except the Small Room formerly the Issuing Store—the Damage as well as the Risk to which the Indian presents may be Exposed for want of being properly & Securely Stor'd are evident, & I hope will Induce you Give orders on that head—The Want of Ammunition at this Season when the pigeons are in Great plenty is much Complain'd off by the Indians & there were not wanting evil minded people to insinuate to them that our Distrust of them is the reason why they are not furnish'd as usual with that Article—Of Several boats that belong'd to the Department not long Ago, there is not one remaining. Coll. Depeyster Advis'd me to Get one made but we cant find materials At present.

What with Contrary Winds, uncommon heavy Rains, insufficiency of Oil Cloths &c., I have Suffer'd so much in Both my Cloths & Stores, that I am Confident a Years Sallary wou'd Scarce pay the Damages—if no Other Allowance Shou'd be Granted to me I hope You wou'd not think it unreasonable to order such Stores as Mr. Street has a memorandum of to be forward'd to me in the Kings boats—I'm sensible that it is not consistant with forms to write of Such a Variety of Subjects in One Letter but my present unsettled Situation & my Desire to

proffit of this Opportunity will I hope plead my Excuse, may yourself and family Live long & be happy is the Sincere Wish of Dr. Sr. Johns Affct. Kinsman

JOHN DEASE

Sir John Johnson Bart.

(A.L.S.)

FROM JOHN DEASE TO SIR JOHN JOHNSON.

Niagara Augst. 21st, 1784.

Dear Sir:

Notwithstanding you may be Sufficiently tir'd by Reading one tedious indigested Letter I must trespass so far on Your patience as to request Your perusal of the inclos'd Return by Which You'll See the miserable State of our Stores here. I Also transmit with this a curious memorandum forwarded to You by Coll. Butler the Substance of Which I fear'd he might forget in the hurry of Business—So much for public Business—

As to our Domestic intelligence I have to inform you that Coll. Depeyster is much indisposed, the consequence of a Severe Fall by which his head rec'd much injury by the Concussion. Mrs. Butler is very ill & Confin'd to her Bed.

Capt. Tice sets out for the Colonies Via Oswego, he intends Revisiting his Native province & wintering at N.York—

There is a Deluge of traders in the Indian Country the ill conducted competition between whom may prejudice the Service if not regulated by Authority. Adieu and Believe me Dear Cousin.

Yours,

JOHN DEASE

Sir John Johnson Bart &c.

(A.L.S.)

FROM JOHN DEASE TO SIR JOHN JOHNSON.

Niagara Septr. 5th 1784.

Dear Sir John:

Since my last letter to you dated August the 21st Nothing Interesting has happened here, we are in daily Expectation Of Accts from Capt. Brant & party gone to Fort Stanwix, the Deputies from the Western Nations begin to be impatient At their long Delay here & wish much to hear what passes At Fort Stanwix. I had a meeting with them Some Days Ago, in Which they Signified their Disapprobation of the proceedings of the Six Nations in Sending any Deputies to meet the Americans at Fort Stanwix & tho' invited to Accompany them refus'd as beneath their Dignity as representatives of the western Confederacy who know no fire place but that of Niagara where whatever relates to public business should be transacted—they Say the

Warr Ax has not yet been taken from them & tho' at present unemploy'd they Often Look Wishfully at it, & keep it Close to their Side—in Short they Seem to have Great Doubts of the Sincerity of the Colonists—I Satisfied them in my Answer by Assuring them that Capt. Brant & party went to Fort Stanwix not to Arrange Any public Business but only with A View to Sound the Dispositions of the Americans, as their Observations on the Conduct of the Americans at Fort Stanwix might in some Degree regulate their future proceedings With them—. I told them I Approved of their Sentiments in not Demeaning themselves on Any Occasion, or in not Acting a part in any Degree unworthy the representatives of a powerful Confederacy. I Informed them that in proper time & place the Hatchett wou'd be Buried but in the interim thereto think they Act wisely in not neglecting it, the Various matters to be Adjusted in A General peace Require Much time & Deliberation & that Joyn'd to the tedious Navigation between Europe & America leaves us Yet uninformed As to particulars Which when we Come to the Knowledge Off Shall loose no time in imparting to them.

Im Sorry to inform You that the Inds at the Different Villages Are Extremely Sickly; A Yellow fever has Already Carried Off Numbers & some principal Chiefs. I have Daily Applications for medicines &ca. & tho the Disorder is infectious I propose when time permits to Visit Buffalo Creek & perhaps the Other near Villages. Several of the Officers are Come in here in very bad health Among the rest Capt. Powell, Lieuts. Servos & Rickman. Mr. McCormic Arrived here in the Limnade with 14 Batteaux load of Indian presents of Which he has Left for the Use of this post 3000 lb. of Gun powder without an Ounce of Lead—he & the Indn presents are at the Landing on their way to Fort Schlosser. I Shou'd be much Oblig'd to you for a Copy of my Accts As my papers got wet in Coming up & are not legible. what money have I Rec'd from You on the public Acct. Mr Tinling will Give You Our News here. Affc'te Respects to Lady Johnson & the Children—Coll. Claus & family.

I am Dr. Sir John

Yours,

JOHN DEASE.
(A.L.S.)

Sir John Johnson Bart

FROM JOHN DEASE TO SIR JOHN JOHNSON.

Niagara Sept. the 9th 1784.

Dear Sir:

The 7th Inst. the Deputies from the western Nations Desir'd a meeting in which they inform'd me of their Great uneasiness in not hearing from the 6 nation Indians Gone to Fort Stanwix with Capt. Brant, that they had been Already here 40 Days a time

much longer than they at first intended to Stay, & that their people wou'd be impatient at their unexpected Delay and Assur'd me they wish'd much to return by the first Opportunity—they also Applied for Arms.

I told them their Surprise was not greater than my own in not hearing from Fort Stamwix that it certainly must be Owing to Some unforeseen Accident that however I was in hourly Expectation of News from that Quarter & thought they wou'd much Disappoint the Expectations of their friends Shou'd they Return without being Able to inform them concerning the Subject they came here on. I Gave them Strong Assurances that I was Confident we shou'd Shortly be Satisfied on that Head. As to Arms we had none in Store. I had not finished when A Messenger Brought me a Letter directed to Capt. Aaron from Capt. Brant a Translation of Which I inclose you. Altho not Very Clear on the Subject Something may be Collected from it.

There is but one Commissioner to meet the Inds. at Fort Stanwix. And that for the State of N.York Consequently I Shou'd imagine Nothing final can be Determined on—I fancy a Variety of matters of a more interesting nature to the Colonies than an Indian treaty at present Claim their Attention, Which Joyn'd to their unsettled State in respect to internal Government & Also the want of a sufficient number of Soldiers to take possession of the upper posts (Shou'd they be Given up to them At present) make them prudently Anxious to put of to a future Day a General meeting with the Indians. I find by Joseph's letter that he Suspects their Design to Attempt to Divide the Indians & Break their Chain of Confederacy by treating with them seperately I suppose each Colony with the Indians on their frontiers, this is a Circumstance I hope they will Cautiously Guard Against.

Uninstructed as I am how to Act in this Critical period, when we Conjecture the intentions of Government in regard to the Indians Only from their Attention in sending out Considerable presents for them I Anxiously wish to have Your Sentiments by which I may Regulate my future Conduct. I sincerely feel the Consequences of having the Department reduced as I can Scarce rely on any intelligence from the Different frontier Villages, this only I can assure You off that the Colonists bring rum in large Quantities to the Indn Castles where they find a ready markett for it & where I am Apprehensive it may produce disagreeable Consequences—here Am I left without a Drop of that bewitching liquor & have nearly Expended two barrells of red Wine as a Substitute for it—pray send Some up, you know it is the Sine qua non. With Constant Good Wishes for Yourself and family I remain,

Dear Cousin yours

JOHN DEASE.

(A.L.S.)

Sir John Johnson Bart.

FROM JOHN DEASE TO SIR JOHN JOHNSON.

Niagara September the 13th 1784.

Dear Cousin:

After remaining long in Suspense & weighing the matter Cooly I thought it my indispensable Duty to transmit to You the two Enclos'd Accounts found Among Other curious papers in a trunk in the Store. As you may remove all unfavourable impressions they must Unavoidably make on a person not intimately Acquainted with the Transaction—I think it but Justice to him Coll. B. to have an Opportunity of Clearing up the Affair, but on recollection request You'll consider this Communication as merely Confidential.

Mr. Stevens the Interpreter having with much truth Represented to me that the Constancy & Variety of his Duties Requiring more Attention & Activity than are Consistant with his years, & finding there are two Interpreters Allow'd for this District, I thought proper to Direct that John Stevens Shou'd Act as Interpreter untill Your pleasure Shou'd be Known—His Dilligence Integrity & many Other Good Qualities render him of the Greatest use to me in many Respects. he Assists me Daily in the Writing Business of the Department for which there is no One here but himself Qualified & I can Assure you that the first fruits of his Assistance were a reduction of near 200 Rations a Day in Short I shou'd find myself much at a Loss without him.

The transport of provisions being retarded by the reduction of the naval Department & a Suspicion that a Sufficiency for the posts may not Arrive this Season woud You [think] it Advisable that A Quantity of Indian Corn Shoud be purchas'd for the use of the Indians Settled at the head of the Lake & Send it to them instead of peas—I wrote to Mr. McKee respect'g Brants Letter.

Adieu Dr. Sr. John

Yours

JOHN DEASE.
(A.L.S.)

Sir J. Johnson Bart.

FROM JOHN DEASE TO MAJOR FRASER

EXTRACT OF A LETTER FROM MR. DEASE TO MAJOR FRASER
DATED AT NIAGARA THE 20TH NOVEMBER 1784.

Some time after Captain Brant's return from Fort Stanwix, Captain Aaron and some others of less consequence, with a few of the Hurons, Shawanese, &c. set out to meet the Commissioners there—previous to his going away Aaron solemnly promised to acquaint me with every interesting particular that should happen at their Treaty. I was long without any account from that quarter, at length Mr. Burch, Sutler for the Rangers, arrived

from New York (Via) Fort Stanwix where he saw Aaron, who anxiously sought an opportunity of speaking to him in private, which he with much difficulty found; as the Commissioners watched them so narrowly and were so jealous of their speaking to any but themselves, that it was dangerous to be seen in conversation with an Indian—however Aaron told B. to inform me that he could not write to me, and (to use his own words) begged I should not think hard of whatever they should do, as they were obliged to comply with whatever the Commissioners dictated—that in short, they were as Prisoners, and moreover that he with five others were to remain as Hostages, untill the Prisoners among the Indians should be delivered up. he proceeded thus far, when one of the Commissioners took him away abruptly—since that time Delaware Aaron and others are come in from Fort Stanwix where they tell us the Treaty is finished; the few Indians there have signed Articles Ceding almost the whole Seneca Country to them, they give them four miles in depth along the Water communication from Oswego to Kadaragaras, they made over to them the lands from Buffaloe Creek to Kadaragaras on Lake Erie in breadth and in Depth to the Pennsylvania line somewhere on the Ohio—in short they have made a fine piece of business of it. In one of their conferences they desired to know from the Indians what they would propose to do, should a War between them and the King of England break out in the Spring and whether they would remain neuter.—to which the Indians answered with a good deal of firmness that they (Viz. Americans) could not be ignorant of their engagements with the King, that they did not think themselves obliged to declare their sentiments, and that they would make no promise that should bind them in future;—much altercation ensued and the Council broke up with displeasure on both sides. The next day the Indians were called in, and in a laughing manner were told, that what passed the day before, was only by way of discourse and in Joke—Since then I have letters from Chenussio, which mention that the Colonists have reported among the Indians that they intend to go to War with the King in the Spring. You can't imagine with what resentment the Indians received the particulars of the Treaty at Fort Stanwix, which were attempted to be kept secret and only wormed out of them piece Meal,—they look on their Interests as betrayed and give some hints of suspecting some of their most confidential Chiefs—Aaron is gone to Albany and his Family sett off for Fort Stanwix. They have lately had frequent Councils at Chenussio, where some of their old Men proposed a Neutrality, which incensed the Warriors to such a degree that they threatened them with Death if they should urge it again, and declared that they would die on their Lands and faithfull Allies to the King—two days ago two of the principal Mohawk Chiefs begged to speak with me in private; when they told me a Sachem just come from the Treaty, communicated to them (with the most earnest injunction to Secrecy) that after the

Treaty was finished with the Commissioners, a great French General (probably the Marquis De La Fayette) called the Sachems of the different Nations together in the most private manner, not admitting a single American to be present; when he addressed them in the name of the French King his master, telling them that his business with them was not to require any of their Lands, nor to speak of Prisoners, but only to inform them that altho' their Father has for some time past hung his Head, occasioned by his being unsuccessfull in War with the King of England, that now since matters had taken a favourable turn, he was in a condition to renew his former Engagements with them, and disposed to treat them with that kindness and friendship which in former times contributed so much to their happiness, and which he hoped they had not forgot;—he therefore called them together in the name of the Great King of France to acquaint them that early in the Spring he proposed taking possession of all the places he formerly possessed, and were his property, but which were now in the hands of the English—he therefore with that Belt renewed their former friendship, and also with it sealed their Lips that nothing might transpire till proper time and place would Occur; then gave a large Belt of Wampum—Which they received and it remains with them. There was but little cordiality between the Governor of New York and the Commissioners who would not permit him to interfere, and he left them much displeased, as they carried matters with a high hand—the Shawanese &c., were much displeased, and I am afraid the proceedings at Fort Stanwix will weaken their chain of Friendship, and the Indians in general are little disposed to satisfy the agreements made with the Americans.

Altho' nothing was left undone to prejudice them against the King of England, whom they represented as selfish in all his dealings with the Indians, making use of their services whilst the War continued, and then basely and ungratefully neglecting them in the Articles of Peace, not even so much as mentioning them—They then Contrasted their own Conduct with his, telling the Indians that tho' by Treaty the Indians then lived on their lands given them by the Articles of Peace, they nevertheless made them a present of them, requiring only a small Tract and that for payment—for which three Boats loaded were arrived at Canawarahara and they promised as much more in the Spring.

To the above Articles I shall add no comment, that I leave to yourself, having by this time I suppose given you a surfeit of Indian News; I shall only request you will take an opportunity of communicating it (with my best respects) to Brigadier General St. Leger.

Sign'd—DEASE.

(State Records—Indian Affairs.)

TREATY WITH THE SIX NATIONS AT FORT STANWIX.

ARTICLES of a Treaty Concluded at Fort Stanwix on the 22nd Day of October 1784—between Oliver Wolcott, Richard Butler and Arthur Lee Commissioners Plenipotentiary from the United States of America in Congress assembled on the one part and the Sachems & Warriors of the Six Nations on the other—The United States will Give Peace to the Mohocks, Onondagas, Cayugas and Senecas & Receive them into protection upon the following Conditions—

Article 1st.—Six Hostages shall be immediately delivered to the Commissioners by the said Nations to remain in the possession of the United States untill all the Prisoners White and Black which were taken by the said Mohocks, Onondagas, Cayugas and Senecas or any of them in the late War from among the Citizens of the United States shall be Delivered up.

Article 2nd.—The Oneida and Tuscarora Nations shall be secured in the possession of the Lands in which they are Settled.

Article 3rd.—A Line shall be drawn beginning at the mouth of a Creek four miles east of Niagara called Oyonwaya or Johnstons Landing place upon the Lake named by the Indians Oswego and by us Ontario—from thence Southerly in a Direction always four miles East of the Carrying place between Lakes Erie and Ontario to the mouth of Tehoseroron or Buffalo Creek on Lake Erie, then South to the north Boundary of the State of Pennsylvania—thence west to the end of the said north boundary, thence south along the west boundary of the said State to the River Ohio.

The said line from the mouth of Oyonwaya to the Ohio shall be the western boundary of the Lands of the Six Nations, so that the Six Nations shall and do Yield to the United States all Claim to the Country west of the said Boundary and then they shall be Secured in the possession of the lands east and north of the same; reserving only Six Miles Square round the Fort of Oswego to the United States for the Support of the same.

Article 4th.—The Commissioners of the United States in Consideration of the present Circumstances of the Six Nations and in Execution of the humane and liberal Views of the United States upon the signing of the above four Articles will order Goods to be delivered to the Six Nations for their use and Comfort.

(Signed)

Onondagas OBEDARIGHTON
KEADARONDYON

Senecas TAYAGANEANDAGEGHTI
TEHOWADEGHRIYAGE

(Signed)

OLIVER WOLCOTT
RICHARD BUTLER
ARTHUR LEE

| | | |
|--------------------|------------------|-------------|
| Witnesses: | | |
| SAML. JA. ATLEE | | Pensy'a |
| WM. MACLAY | | Commiss'rs. |
| FRANS. JOHNSTON | | |
| ARON HILL | | |
| ALEXR. CAMPBELL | | |
| SAML. KIRKLAND | MISS'Y | |
| JAMES DEAN | | |
| SAML. MONTGOMERY | | |
| DERICK LANE | CAPT. | |
| JOHM MERCER | LIEUT. | |
| WILLIAM PENNINGTON | Lt. | |
| MAHLON HORD | Ens'n | |
| HUGH PEEBLES | | |
| Oneidas | OHYADONENGHTI | |
| | DAYAHARI | |
| Cayuga | ORAGHGWAREATAGON | |
| Tuscaroras | ONONGHIAWENGHTI | |
| | THARONDAGUEGON | |
| Seneca | | |
| Abeal | KATENTHAGHHI | |
| Mohawks | ONEGWENTAHONGI | |
| | TIWIGHNETOGON | |

(From copy in State Records, Indian Affairs).

AGREEMENT OF THE AMERICAN COMMISSIONERS FOR THE PURCHASE OF LANDS FROM THE SIX NATIONS INDIANS

We the Subscribers Commissioners duly appointed by the Honourable the Supreme Council of the State of Pennsylvania for the purpose of purchasing of the Indians the Territory within the acknowledged Limits of the same State which hath not hitherto been purchased, do hereby promise and Engage, as part of the Consideration of the said purchase which is now accomplished to deliver to the Six Nations or such person or persons as they shall apoint, and who shall as a Voucher bring with him or them, this our Obligation; Goods, Wares, or Merchandize of such assortments as the Indians shall now direct to the Amount of One Thousand Dollars at the Pensylvania Line or near Tioga on the first Day of October next, Witness our Hands and Seals at Fort Stanwix this 23 Day of October A.D. 1784.

Sealed and delivered in presence of

| | | |
|----------------|------------------|------------------|
| (Signed) | | (Signed) |
| OLIVER WOLCOTT | SAML KIRKLAND | SAML. J. ATLEE |
| ARTHUR LEE | Miss'y | WM. MACLAY |
| RICHARD BUTLER | JAMES DEANE Int' | FRANCIS JOHNSTON |
| AARON HILL | ALEXR. CAMPBELL | |
| | Cou'l Com. | |

(From copy in State Records, Indian Affairs).

APPOINTMENT BY JOHN DEASE.

Niagara May the 18th 1785.

Mr. Dease having Obtained the Commanding Officers Permission to go to head quarters on public Business, hereby Directs That Mr. Nicholas Stevens take Charge of the Indn Department at this post in his Absence, the Officers And others employ'd in the Department are hereby Enjoyn'd to pay Due Attention to his orders as Command'g the Department untill my Return.

Mr. Stevens will in all his proceedings Consult the Good of His Majesty's Service, & be extremely watchfull to procure Such intelligence as may be in any wise Conducive thereto & immediately Report the Same to the Commanding Officer whose orders he will Attend to on Every Occasion.

JOHN DEASE D. Superintdt.

To the Officers & Others employ'd in the Indn Department.

(State Records, Indian Affairs. A.L.S.)

Several of the officers and interpreters of the Indian department, who had long been associated with the Six Nations had settled among them on the lands reserved for their benefit on the Grand River and the gift of lands from the Indians to these white men and their families was confirmed by a formal license of occupation.

DEED FROM THE FIVE NATIONS.

Translation of a Deed from the Five Nations inhabiting the Grand River.

Let it be known to all now and henceforth what is now agreed to and performed by us, mutual brethren and children of the Five Nations and Our Nephews of the Delaware race living on the Oghswego, or Grand River, in full Council in which assembled Mohawks, Oniadas, Onondagas, Cayugas, and Delawares.

Therefore let it be known by all, that in Virtue of a grant of this Grand River made unto us by Sir Fred. Haldimand Governor, in the King's name which he has given us in writing his Name and seal thereunto affixed, conferring the said lands upon us the Five Nations and our posterity; We agree that our brethren living on the same River, to wit Hendrick Nellis, Robert Nellis, Warner Nellis, Adam Young, John Young, Daniel Young, Hendrick Young, John Dochsteder, Hendrick Huff, John Huff, shall hold a farm each, according to the boundaries, which now mark their possessions along the banks of the said River, which they are by no means to exceed either up or down the stream, and continuing of the same breadth, the said farms are to extend in length three miles back from the said Rivers bank.

Of this extent we confirm to them and their posterity, the full right to have and to hold the same in their respective families to wit, to Hendrick Nellis, Robert Nellis, Warner Nellis, Adam Young, John Young, Daniel Young, Hendrick Young, John Dochstader, Hendrick Huff, John Huff to be possessed by them and their posterity and never to be transfered to any other whomsoever.

This being done and concluded by us the Five Nations and our Nephews the Delawares, let never our Grand Children or Any whomsoever attempt to undo what we have by this instrument performed for we have done the same with due consideration In the year of our Lord 1787, and 26th day of February and to confirm the same we hereunto affix our hands and emblems of our tribes.

| | |
|-------|----------------------------|
| Totem | THOMAS SALEKARIWATE |
| Totem | HENDRICK TEKARIHOGEA |
| | AARON HILL |
| Totem | JOS. BRANT THAYENDANEGEA |
| Totem | JOHANISS TWEGHNITOGEGH |
| | DAVID HILL |
| | PAULUS SAHONWADI |
| | THOMAS DAVIS |
| X | THOMAS SHOGHOGOHARAWANI |
| X | KAYEADADIRHON |
| | DAVID OSERAGEGHTI |
| X | ADAM THAWIYAKIART |
| X | DAVID AGHSIGWARISERI |
| X | HENDRICK ORONDADICKHA |
| X | JACOBUS OGHSONWAGHTAGEGHTI |
| Totem | JOHN ATOGHSERANGIGH |
| | TEKAENYOUGH |
| X | KAREBGHODON |
| X | OGHKWARIGHOGHSITA |
| X | ORAGHGWANINDAGON |
| X | ONIGHNIASAGWADEN |
| X | AWEANARATYE |

True translation JOHN NORTON
(State Records.)

FROM LORD DORCHESTER TO JOHN COLLINS.
Quebec, 19th July, 1787.

Sir,—

I have received your Letter of the 10th July.

It being thought expedient to join the settlements of the Loyalists near to Niagara, to those west of Cataraqui, Sir John Johnson has been directed to take such steps with the Indians concerned, as may be necessary to establish a free and amicable right for Government to the interjacent lands not yet purchased on the north of Lake Ontario, for that purpose, as well as to such

parts of the country as may be necessary on both sides of the proposed communication from Toronto to Lake Huron.

As you have been employed in the former purchase made of the Indians in that country, you will give every assistance and information to Sir John, who will correspond with you on the subject.

I am &c.

DORCHESTER.

(Quebec Instruction Book, No. 5, pp. 42-3.)

The purchase of these lands was considered of so much importance that Sir John Johnson relinquished his intention of attending the council of the western Indians at Michilimackinac. He was instructed at the same time to distribute a considerable gratuity of presents among these Indians as a reward for their past good conduct. It will be noted that although the treaty then concluded was duly signed in the presence of witnesses by three principal chiefs, two of whom had signed the previous cessions of land negotiated by Guy Johnson and John Butler, certain blanks remained unfilled, wherein the amount of the consideration paid and the extent of lands purchased should have been stated. The statement by Colonel McKee shows that this became the subject of inquiry eight years later, when two of the witnesses were dead. The council was well attended and a liberal distribution of presents was made but some of the Indians complained afterwards that their assent had not been properly given to the "gunshot treaty" as they termed it, and Butler was instructed to make terms with them during the following year.

TREATY WITH THE MISSASSAGAS.

This Indenture made at the Carrying place Head of the Bay of Quinty the *twenty third day of September in the year of our Lord one thousand seven hundred and eighty-seven* Between..... and the Honble Sir John Johnson Bart, for and in behalf of our Sovereign Lord the King Witnesseth that the said above mentioned.

Principal Chiefs and War Chiefs as aforesaid for and in consideration of the sum of
to them in hand well and truly paid by the Honble Sir John Johnson aforesaid at or upon the Sealing and delivery of these presents the receipt whereof they the said
doth hereby acknowledge and thereof and therefrom every part or parcel thereof doth acquit, release, exonerate and forever discharge Our Sovereign Lord the King His Heirs and Successors and every of them by these presents Hath granted, bargained Alienated released and Confirmed and by these presents doth grant bargain Sell, alienate release and Confirm unto our Sov-

ereign Lord the King and to His Heirs and Successors all that Tract or parcel of Land lying & being together with the Woods, Ways, paths, Waters, Water courses, Advantages, Emoluments and hereditaments whatsoever to the said Tract or parcel of Land situated as above mentioned belonging or in any ways appertaining or which to and with the same now are or at any time heretofore have been held and occupied, accepted, reputed taken or known as part parcel or member thereof and the issues and profits of all and singular the said premisses and every part and parcel thereof with the appurtenances and also all the Estate right, Title Interest, Property, Claim and demand whatsoever of them the said.

in and to all and singular the said premisses above mentioned and of every part and parcel thereof with the appurtenances To have and to hold all and singular the said Tract or parcel of Land hereditaments and premisses above in and by these presents released and Confirmed and every part and parcel thereof with the appurtenances unto our Sovereign Lord the King His Heirs and Successors for ever and to and for no other use intent or purpose whatsoever, and the said

for themselves their Heirs and Successors doth Covenant, grant promise and agree to and with our Sovereign Lord the King His heirs and Successors that they the said

now is the true lawful and rightful owners of all & singular the said Tract or parcel of Land, hereditaments & premisses above mentioned and of every part or parcel thereof with the appurtenances and also that the said

at the time of Sealing and delivery of these presents is lawfully and rightfully Seized in their own right of a good, Sure, perfect absolute and indefeasible estate of inheritance in fee simple of and in all and singular the said premisses above mentioned with the appurtenances without any manner of Condition limitation of use or uses or matter cause or thing whatsoever to Alter, change, charge or determine the same And also that His Majesty his heirs and Successors shall and may at all times for ever hereafter peaceably and quietly have, hold occupy possess and enjoy all and singular the said Tract or parcel of Land hereditaments and premisses aforesaid with the appurtenances and every part or parcel thereof without trouble hindrance or molestation, interruption or disturbance of them the said

their Heirs or Successors or any other person or persons lawfully Claiming or to Claim by from or under them or any of them, and that freed, discharged and kept harmless and indemnified of from and against all former and other Gifts or Grants whatsoever

In Witness whereof we have hereunto set our hands and Seals the day and date above mentioned.

Witness present:

Signed

JOHN COLLINS

WABAKANYNE

L.S. Totem

LOUIS KOTTE

NEACE

L.S. Totem

NATHAN L. LINES Interpr.

PAKQUAN

L.S. Totem

A true copy P. SELBY, (Asst. Sec'y. I.D.)

RETURN OF INDIANS AT TREATY AT CARRYING PLACE.

Return of the Missisagey Nation of Indians assembled at the Head of the Bay de Quinte the 23d September 1787 in order to receive a Dividend of the General Present ordered for them by the Right Honorable Guy Lord Dorchester Governor in Chief of the British Dominions in America, &c., &c., &c., together with those of the same Nations Collected at Toronto who received their Dividends of the Present by their Chiefs who attended at the Bay de Quinte for that purpose.

| Nations | No. of Men | Women | Children | Total | Remarks |
|---|------------|-------|----------|-------|---------|
| Missisageys assembled at Bay de Quinte..... | 169 | 209 | 298 | 626 | |
| Missisageys assembled at Toronto & River Le Trench..... | 118 | 122 | 151 | 391 | |
| General Total..... | 287 | 331 | 399 | 1017 | |

Wabakinine's account of the number of Missisageys at the Head of the Lake &ca. 506, of which one hundred and forty-two can make use of Arms, and he represents to Lord Dorchester that the chief of those near Kingston says their Number is 208 of which 62 can make use of Arms.

RETURN OF PRESENTS DISTRIBUTED AT THE BAY OF QUINTE.

Distribution of Arms, Ammunition & Tobacco made by Sir John Johnson, Bart, Superinten't Genl. of Indian Affairs, to the Messisagey Indians assembled at the Head of the Bay de Quinte the 23rd September 1787 at which time they made a formal Cession of Lands on the North side of Lake Ontario to the Crown.

| | |
|--|---|
| To Kenease & his Band or Party | Shawenecap away & Party |
| 2 Half Barrels & $\frac{1}{2}$ of one.....Powder | 1 Half Barrel & $\frac{1}{2}$ of one.....Powder |
| 1 $\frac{1}{2}$ Case.....Shot | $\frac{1}{2}$ Case.....Shot |
| 4 $\frac{1}{2}$ Kegs.....Ball | 1 Keg.....Ball |
| 24.....Guns | 11.....Guns |
| 12 Carrots.....Tobacco | 4 Carrots.....Tobacco |

| | | |
|----------------------------|---------------|-----------------------------|
| Sagaagas & Party | 5 |Guns |
| 4 Half BarrelsPowder | 2 | Carrots.....Tobacco |
| 2 Cases.....Shot | | Indians of Toronto |
| 6 Kegs.....Ball | 6 | Half BarrelsPowder |
| 37Guns | 3 | Cases.....Shot |
| 17 Carrots.....Tobacco | 9 | Kegs.....Ball |
| Nawagashek & Party | 60 |Guns |
| 2 Half Barrels... ..Powder | 24 | Carrots.....Tobacco |
| 1 Case.....Shot | | Indians of River Le Trenché |
| 3 Kegs.....Ball | 1 | Half Barrel.....Powder |
| 19Guns | $\frac{1}{2}$ | Case.....Shot |
| 8 Carrots.....Tobacco | 2 | Kegs.....Ball |
| Shewetegan & Party | 15 |Guns |
| 24 Lbs.....Powder | 2 | Carrots.....Tobacco |
| 36 Lbs.....Shot | | A true Copy |
| 36 Lbs.....Ball | (Signed) | P. LANGAN |

FROM JOHN BUTLER TO SIR JOHN JOHNSON.

EXTRACT OF A LETTER FROM JOHN BUTLER ESQR. TO SIR JOHN JOHNSON BARONET, DATED NIAGARA 26TH AUGUST, 1788

“The day after you left me the Chiefs proposed going home, but as the Indians from Lake La Clay and Pawortink were not yet arrived I desired the Chiefs to Stay and send their young Men & Women home which they did, two days after they arrived, I then Called them to Council and made a proposal to Purchase all the Lands to the Bay of Quinte, and as far back as Lake La Clay and the Rice Lake, which after two or three meetings they agreed to, I then proposed to them to run a Strait Line from the Place of Begining above Toronto 15 or 16 Miles Back as that being Supposed to be the Breadth from the Clay Bank to the Said Place of begining, Mr. Wopawnine and Porqua Demand twenty-five Guineas for allowing the Strait Line.”

A true Extract

JOSEPH CHEW
S.I.A.

(C. 250-1, p. 290.)

STATEMENT BY ALEXANDER MCKEE.

Mr. Nathaniel Lines Indian Interpreter at Kingston says he was present at the Bay of Quinti when he witnessed the Blank Deed supposed by him at the time to be a proper Deed of Conveyance of Lands from the Missisagas resorting the Bay of Quinti the Rice Lake and Lake La Clie—Commencing at the Head or Carrying Place of the Bay of Quinti to a Creek called Tobeka from seven to fourteen miles above Toronto with a Reservation of the Rice Lake and of a Certain place which Mr. Lines does not recollect between the said Rice Lake and Lake Ontario, but the

lands intended to be sold and purchased at that time are connected all the way in front on Lake Ontario running in Depth 10 or 12 miles nearly as far as the Rice Lake and above the Rice Lake a Common days Journey back as far as Toronto.

Mr. Lines further says that Sir John Johnson Mr. Collins the Surveyor and several others were present, and that immediately after the delivery of the goods which were the Consideration for the Lands he Mr. Lines was Called to Witness the Blank Deed (now shewn to him but supposed to have been regularly drawn) and he further says that he saw the Indians make their marks upon the slips of Paper which were Wafered on the Deed before the marks were made thereon.

A. McKEE, D.S.G.I.A.

Kingston 10th June.
1795.

(C. 250-1, pp. 287-8).

The importance of retaining the good will and confidence of the Six Nations, who still remained within the territory of the United States and of those belonging to the western confederacy of Indians, was obviously of even still greater importance to the infant settlements. Sir John Johnson attended a council of the Six Nations at Buffalo Creek where he supervised the delivery of their gratuity and conferred with the principal chiefs. While there he wrote the following letter.

FROM SIR JOHN JOHNSON TO ALEXANDER McKEE.

Black Rock Opposite Fort Erie.

Sept. 2d 1787.

Dear Sir,

I have now the honour of Answering your Several letters of the 25th June, 5th and 18th July and 15th of August, which neither time nor Opportunity would permit me to Acknowledge the receipt of sooner.

I am pleased to find that the Indians in General to the Westward have so just and perfect a knowledge of their present, and What their future situation would be, should they Suffer the Americans to Establish themselves in their Country. Our Situation in that case would be very little better—for Which reasons I think it best to encourage them all in our Power to draw a Certain line between them and the Americans Allowing as large a Scope as they can with Safety to themselves and Attention to their hunting grounds, beyond which they ought not to be permitted to Settle—this I much fear though all they in reason could expect from the Indians will not be Accomplished. I therefore see Nothing left for them but Unanimity in their Councils, and Steady and firm Opposition to their encroachments, this line of Conduct once determined on I think would secure peace

to them for a few years—the Americans conscious of this are leaving no means untried to divide and Weaken them, and I am much afraid with but too much Success, as the Wyandots seem to use every Artifice to divert the Indians from their intention of holding a General Council in their Country near the Miamis, and the Six Nations are much divided, divided Also in their Opinions of What is best to be done. Captain Brant however seems firm in his Intentions of Affording every Assistance in his Power, and I hope his Influence will extend pretty wide. Captain Brant has Applied to me for some Indian Corn for the Support of his Party & for the relief of others, who may be in Want, I have therefore promised him five hundred Bushells, as I think that will go but a little way Among them, should they Assemble in the Manner that is expected, I would wish you to extend the Quantity to one thousand Bushells Should Major Mathews Agree in Opinion with us that it will be Necessary—some Pork will Also be Wanting of which I leave you to determine the Quantity Necessary. Any Necessaries Captain Brant's party may Stand in Need of I wish you to Supply them with and to pay any resonable Expences that he, Aaron, or David may have contracted or may be Under the Necessity of incurring during their Stay at Detroit. For the reasons you have Assigned that no Meeting of the Indians would be held at this time at Detroit, as well as from the business I have yet to transact with the Missasagoes, I have determined to Postpone my Visit to Detroit this Season, and therefore commit to your care the Distribution of the Goods and Money intended for the Delawares and Shawanese in your District, Mr. Molloy has Charge of 'The Money Agreeable to the inclosed Abstract, as Also of the Annual Supply for your District, and that of Mackina, which I hope you will see forwarded without delay, as the Conductor is much Wanted below to Assist in the New Arrangement of the Stores &c. As it is not in my Power to pay Mr. McCormick for the Rum you had from him, I must request you will replace it out of the Quantity in the hands of the Commissionary for your District, and as it has Occasioned him much delay and Expence I wish you would Speak to Major Mathews to indulge him with a Passage and the Transport of it to Mackina to make up for the loss he must otherwise Suffer through his Simplicity and folly. I have Acquainted Captain Elliott with my Sentiments on the Subject of the late Instructions. Receipts of the same tenor and date must be taken from the heads of each 'Tribe for both goods and Cash, it is the mode I have pursued. As the Wyandots have not the same claim or pretensions that the former have I think it best that you give them something out of the Annual Supply now on the way to you. I think it best, for every reason that the distribution of the Goods and Money should be made in the most convenient place for the Indians in their own Country. I therefore leave it to your own judgment to make Choice of such place as you may think best adapted for the purpose—the sooner you transmit me

the Vouchers for the Goods, and the Cash the better—Make my best respects to Major Mathews. I wish he would shew some countenance to a Mr. John Wheaton who lives at Detroit, and means I believe to take up his proportion of land there.

I remain &c.

JOHN JOHNSON

Inclosed you have a Copy, of a form of the receipt, Necessary to be taken from the Indians Who are to receive his Majestys bounty.

(State Records, Indian Affairs, A.L.S.)

A single surveyor had been employed to adjust the boundaries of lands already occupied, which he found a task of considerable difficulty, and he was obliged to solicit assistance to expedite his work.

FROM PHILIP R. FREY TO JOHN COLLINS.

Niagara 18th September, 1787.

Sir,

I have the honour to transmit this accompanied by plans and reports of surveys of Township number one and the others of number two, together with the first concessions of the latter lately surveyed which I hope will meet your approbation.

The person who had been employed in the surveying business previous to me had made few and very erroneous surveys, having only laid out a few lots for particular people, many plans may have been transmitted, which may not have been effectually executed. I am sorry to understand that his Honour Brigadier General Hope expects that I shall finish the survey of the Crown Lands by next or the latter end of the ensuing Winter, from his Honour's expectations in this respect I am indeed to entertain an opinion that he conceived much had been already done, before my appointment to this place. In order to expedite the survey at a very small additional expence to Government I will wish his Honour's and your approbation to employ two very able assistants provided you shall think proper to augment my pay to ten shillings Sterling per Day, in this case it might be accomplished during that period. I shall continue the survey with the utmost diligence, & beg to have the honour to be &c.

P. R. FREY,

Deputy Surveyor for Niagara & Detroit.

John Collins, Esq. D.S. General Quebec.

(District of Nassau Letter Book, No. 2, pp. 7-8.)

As a reply from the Surveyor General's office could scarcely be expected in time to begin operations at the most favourable season the Commandant took the responsibility of giving the necessary authority in advance.

1. Allan Macdonell and Lieut. Tinling had been engaged in making surveys.

FROM JONAS WATSON TO PHILIP R. FREY.

Niagara, 15th January, 1788.

Sir,

In consequence of a discretionary power given me by the Commander in chief and upon your representations that Messrs. Jesse Pawling and Augustus Jones are properly qualified to assist in surveying the townships of the settlement under your inspection, I do appoint them to that service from this date at the salary of two shillings & sixpence Sterling per day each without any other expence whatever being incurred from this appointment.

I am &c.

JONAS WATSON, Capt. 65th

Commanding Upper Posts.

Mr. Philip Frey, Dy. Surveyor, District of Niagara.

(District of Nassau, Letter Book No. 2, p. 9.)

The minutes of the Executive Council of Lower Canada contain a few brief entries respecting the disposal of lands in larger quantities than were authorized by the general regulations, which have a local interest.

EXTRACTS FROM QUEBEC LAND BOOK.

20th March, 1788.

Nathaniel Petit. The Memorial of Nathaniel Petit sets forth, that he served ten years as a Judge in the Court of Common Pleas in the Province of New Jersey that he has been obliged to abandon that Country in consequence of his endeavors to support the British Cause. That he has been employed in raising Men for the King's Service in which he has good success and that he has greatly suffered in his fortune. He prays for a Captain's allowance of land at Niagara. No reason appears to the Committee why Mr. Petit may not have the quantity of land he applies for, if it shall be your Excellency's pleasure to extend the King's bounty to him.

Lieut.-Col. Butler. "Lieutenant Colo. Butler, in his Memorial of the 12th Novr. 1787 prays for lands in this province in lieu of his right in sundry valuable tracts in the State of New York, which he lost in consequence of the active part he took in favor of Government against the revolted Colonies, at a very early period of the late troubles.

"From the very peculiar situation he stood in with respect to these lands when the Rebellion broke out, the Commissioners for American claims cannot, under the Act of Parliament, relieve him. He hopes therefore that his equitable right to a compensation will be considered by your Excellency.

“He values the right he had in these lands at £5720 New York Currency the dollar at 8/.”
(P.15-16.)

Colonel Butler’s petition throws considerable and a singular light on his previous dealings with the Indians for the purchase of lands in the former province of New York.

MEMORIAL OF LIEUT.-COLONEL JOHN BUTLER.

To his Excellency the Right Honorable Guy Lord Dorchester, Governor-General and Commander in Chief in and over his Majesty’s Provinces of Quebec, Nova Scotia, New Brunswick, &c., &c., &c.

The Memorial of Lieut. Colonel John Butler Sheweth

That your Lordships Memorialist at the Commencement of the Late Rebellion in America, resided in the County of Tryon in the Province of New York, where he possessed in Fee simple a real Estate as also personal Estate to a very considerable amount.

That at the commencement of the Rebellion he took an early and decided part in favor of his Majesty’s Government and was opposed to the measures of the American Congress, and that having been many years employ’d in the Indn Department under the Late Sir William Johnson Barnt., Deceased, in which Department he hath ever since been continued, it became necessary in order to promote His Majesty’s service and for his own personal safety, to seek refuge in the Province of Canada—being obnoxious to the Leaders in the late revolt on account of his opposition to their Measures, and the Jealousies they entertained of his interest with and Influence over the Indians being turned to their Prejudice.

That in consequence of your Memorialists well known Loyalty and attachment to His Majesty’s and the British Government, by an act passed by the Legislature of the state of New York on the 22nd of October 1779 (among others) he hath by name been attainted of High Treason and his whole Estate real and Personal hath been seized, confiscated and sold whereby he hath been and now is deprived of a considerable part thereof.

That under the Late act of Parliament appointing Commissioners to enquire into the losses and services of the American Loyalists, your Lordship’s Memorialist applied for such aid or Relief, as his losses and services should be found to deserve—and on such application he hath been heard in support of his several allegations of losses he hath sustained by reason aforesaid.

Your Lordship’s Memorialist begs leave to suggest to your Lordship that in stating his account of his Losses he omitted charging several Tracts of Land to which he is *Equitably* tho’ not Legally Intitled—because he humbly conceived the Latter

only could come under the Consideration of the Commissioners, and in support of the former he had not the proper and Necessary Document, The case as it really and truly is, he begs Leave to state to your Lordship. Previous to the Commencement of the late Rebellion several purchases of large Tracts of Land were made of the Native Indian Proprietors, in His Majesty's Name, tho' for the use of persons, many of them disinterested, to whom Grants were to be made, and who on the Patents being Issued were to release the Lands so granted to them, to the persons for whose use the purchase was originally intended. Of the Lands your Memorialist was Interested in some of the Patents had passed the Great Seal of the Province, but others were not perfected at the time he was obliged to retire into the Province of Canada, and as the conveyance was not Executed he can only claim as Equitably Intitled to those Lands for want of those Legal Transfers to vest the same in him in Fee—a particular acct of the quantity and value of said Lands is herewith annexed, and to which he begs leave to refer.

Under these circumstances your Memorialist begs leave humbly to request your Lordships attention to his situation and the distresses in which himself and his Family are involved from the attainted of his Person and the confiscation of his Estate, in the first Instance, and in the second, his being deprived of all hopes of ever obtaining any part of the Lands to which he has so equitable a Title, by the line between Canada and the American States being far Northward and westward of those Lands.

In consideration whereof your Memorialist Humbly prays that your Lordship will be pleased to Grant him such a Quantity of vacant unappropriated Land in this Province as will make him some kind of Compensation for the Value of the Land above stated to be lost, an Estimate whereof and of their Value he begs leave to subjoin to this Memorial.

And as in duty bound he will ever pray &c.

JOHN BUTLER

Quebec 12th Octr. 1787.

Endorsed: Memorial of

Lt. Col. John Butler

praying a Grant

of Land 1 Inclo.

rec'd 14th Octr. 1787.

Referred to the Committee

of Council for granting

Lands.

By order of Lord Dorchester

Henry Motz

Quebec 12th Octr., 1787.

Read in Committee 29 Decr. 87

W.G.

ESTIMATE ENCLOSED.

No. 1

This Patent was granted and Colo. Butler had an Article from Col. Crohan to Convey to him the 2000 Acres but the Conveyance was not made previous to the Rebellion.

In the year 1760 Colo. Butler made a purchase of a Tract of Lands from the Indians for Colo. Crohan and others, in which he was to be interested in 2000 Acres situate at Lake Otsego on the head of Susquehanna River which he estimates at 8/..... £ 800

No. 2.

This Patent was not perfected.

In or about the year 1766 Col. Butler purchased a Tract of Land from the Onida Indians, Called the Fra. Mason Patent containing about 160,000 Acres for a number of persons who by an article of agreement with Colo. Butler were to convey to him 7600 acres for his expence and trouble in making the purchase which he estimates per acre at 4/..... 1520

No. 3.

This Patent was not perfected.

In or about the year 1772 Col. Butler purchased from the Mohawk Indians, a Tract of Land for Colo. Jessup and others who also Covenanted to convey to him 2000 acres this he values at 4/..... 400

No. 4

This Patent was perfected.

In or about the year 1768 Colo. Butler purchased from the Mohawk Indians for John Glenn and others a Tract of Land near Sokondago River out of which Tract he was to have 100 Acres for his expence and trouble in making the purchase—this he values at 8/..... 400

No. 5.

Col. Butler is not certain but this Patent was perfected.

In or about the year 1768 Col. Butler made a purchase for Christopher Yates and others of a Tract of Land from the Mohawk Indns situate upon

| | | |
|--|--|-------|
| | Hudsons River near Ft. Edward, Containing about 8000 Acres of which they covenanted to convey to him 100 Acres. This he values at 4/..... | 200 |
| No. 6. | | |
| Col. Butler cannot ascertain whether this Patent was perfected or not. | In the year 1768 Col. Butler purchased for Col. Crohan, Governor Franklin and others a large Tract of Land from the Onidas and Tuskaroras Indians situate on the Tinondira River for which Colo. Crohan Covenanted to give him 4000 Acres for his expence and trouble. This he values at 4/..... | 800 |
| No. 7. | | |
| For these two tracts the Patents were perfected. | In or about the year 1766 Col. Butler purchased for Col. Crohan and others two Tracts of Land containing about 40,000 Acres from Mohawks and Oghquagas situate near Schoharry for which Colo. Butler was to have 4000 acres. Which he values at 8/..... | 1600 |
| | New York Curry..... | £5720 |

Quebec 12 Octr. 1787.

Endorsed:

Statement and valuation
of Lands belonging to Col.
Butler and how he became
intitled thereto.

1. Probably George Croghan Indian Agent at Fort Pitt.

DEPOSITION OF COLONEL JOHN BUTLER, 27 OCTOBER, 1787.

Be it remembered by these presents that on the twenty-seventh day of October in the year of our Lord one thousand seven hundred and eighty-seven Before me John Gerbrand Beek Notary Public by Royal Authority duly admitted and sworn dwelling in the city of Montreal in the Province of Quebec personally came and appeared John Butler late of Butlerburg, County of Tryon in the Province of New York North America but now in the Province of Quebec aforesaid Lieutenant Colonel and Deputy Agent of the six Nation Indian Department

who being duly sworn on the Holy Evangelists Deponeth and Saith that he was personally acquainted with the late Sir William Johnson Baronet from the year one thousand seven hundred and forty-four to the day of his death in the year one thousand seven hundred and seventy-four. That Prior to the said Sir William Johnson's being appointed Commissioner of Indian affairs this deponent lived near an Indian Town, on the Mohawk River at Fort Hunter which Fort his Father then commanded; this Deponent saith that the Management of the Indians was then in the hands of six Commissioners who after the War commenced in one thousand seven hundred and forty-five the Deponent saw Frequently in Council with the Indians endeavoring to persuade them to take up the Hatchet and go to War against the French, which they never had influence to effect. The Deponent further saith, that the said Sir William Johnson being one of the Council in the Province of New York about the year one thousand seven hundred and forty-six or forty-seven was on account of his well known interest and Influence with the Indians, appointed by the Governor and Council Sole Commissioner for the six Nations Indians, and their Confederates. This Deponent saith that the said Sir William Johnson, with his great influence and by large presents judiciously applied with those Indians, soon engaged them in the War, and appointed several officers to act with the Indians, amongst which were two elder Brothers of this Deponent, with whom Sir William Johnson sent two parties of Indians to different parts of Canada, from whence they Brought in a number of Scalps and Prisoners, which was the first of their engaging in the war of one thousand seven hundred and forty-five, after which the different nations met in Council frequently with Sir William Johnson, who by means of his indefatigable activity and interest with them, soon engaged the whole of the six nations and their allies, in Governments interest, during which time the Deponent frequently saw Sir William Johnson give them large presents, at the Close of the War about the Year one thousand seven hundred and fifty, when the French seeing their Interest with the Indians over Ballanced by their attachment to Sir William Johnson formed a Plan of Strengthening their declining Interest with them by establishing a Fort and erecting a Church on the River of St. Lawrence near Lake Ontario, where by the influence of the Priests and agents they had formed a considerable settlement of the Six Nations Indians greatest part of which Sir William Johnson, by his usual exertions drew back to their former Villages in which he not only frustrated the French plans, but totally prevented any further emigrations from the Six Nations Country, which this Deponent saith he thinks no other man then living could have done; during the Peace that afterwards ensued this Deponent says that Sir William Johnson's Steady Attention to the Indian Interest by establishing a well regulated Trade with them, not only engaged the attachment and confidence of the Indians to himself but secured their Interest so

firmly to Government, that at the beginning of the War in one thousand seven hundred and fifty-five they unanimously agreed to take up the Hatchet, at which time the Deponent, was (with Numbers of others) appointed an officer to act with and encourage the Indians; this Deponent Saith that in the year one thousand seven hundred and fifty-five Sir William Johnson sent a large party of Indians, to act in Conjunction with the Army under the Command of General Shirly, at the same time Sir William Johnson was appointed to the Command of an army of Provincials to go against the French at Crown Point with a large Number of Indians with him, who were by the example and encouragement of Sir William Johnson brought warmly into action with the Provincial Troops at the defeat of the French Army at Lake George, when Sir William Johnson took Prisoner the Commander of that Army Baron Diescaux; about this time the said Sir William Johnson was appointed by his late Majesty sole agent and Superintendent of Indian affairs in the Northern District of America by which the care and management of all the Indians in the British Interest in that Quarter fell under his care and during which time the Deponent saith he was knowing to Sir William Johnson's Expending large presents to those Indians for the support of their families and as a reward for their services. In the year one thousand seven hundred and fifty-six this deponent saith he was appointed a captain in the Six Nation Indian Department by Lord Lowden in which capacity he acted during that War under the directions of Sir William Johnson and being long accustomed to Indians and understanding their Languages he was frequently called upon by Sir William Johnson to assist him in distributing goods and cash to a considerable amount to the different nations, besides which he also assisted in delivering speeches and private presents to the principal chiefs and Warriors, which this deponent verily believes was judiciously distributed, and generally had the desired effect. That in one thousand seven hundred and fifty eight this Deponent and his Brother were ordered by Sir William Johnson to accompany Colonel Broadstreet on an expedition against Cataracqui on the North side of the lake Ontario and to take with them a number of Indians who were paid by the said Sir William Johnson in cash half a dollar per day during that expedition besides Cloathing for themselves and families. In the year one thousand seven hundred and fifty-nine the Deponent accompanied Sir William Johnson on the expedition against Niagara, where on account of some Promises the Indians in that Country had made to protect their trade at that Post, Sir William Johnson had some difficulty, attended with great expences to unite the Indians in Attacking that Fort, but finally with his usual steadiness and exertions prevailed on them to engage with him in the Reduction of that Fort, which this Deponent verily believes, could not have been effected without their assistance nor does he believe that any other Man but Sir William Johnson could have prevailed on the Indians to

have given their aid, or even their consent to the taking of that place. In the year one thousand seven hundred and sixty this Deponent with several other officers was dispatched through the different Indian Nations, with messages from Sir William Johnson to collect the Indians together to join the Army against Canada under the command of Lord Amherst, to which they unanimously agreed and assembled in very large numbers at Oswego, where they received large presents from Sir William Johnson, from which place Sir William Dispatched a message to the several Indian Nations in Canada requesting them to meet him at Oswegatchie, which they complied with where by his extraordinary influence with those people, he not only prevailed on them to give up the French Hatchet and become our allies, but actually prevailed on some of them to engage with our Indians in the reduction of Canada, and were found very useful to the army in piloting them down the river Saint Lawrence; after the reduction of Canada, and a peace (was) established the major part of the officers and other people who had been useful in the Indian Department were Dismissed. This Deponent saith he was continued in the Department by Sir William Johnson and was particularly knowing to most of his transactions with the Indian Nations till the said Sir William Johnson's Decease in one thousand seven hundred and seventy-four and was present at all Public meetings and assisted in giving out all public presents which this Deponent saith was, through the Extraordinary abilities of the said Sir William Johnson, done to the general satisfaction of the Indians, and the Deponent believes to the full satisfaction of the then commanders in chief and without abusing the trust that Government had placed in him the said Sir William Johnson, that at a treaty held with the great Chief Pontiac and the different western Nations at Oswego in the Year one thousand seven hundred and sixty-five the said Sir William Johnson by his great interest and influence with the Indians Brought them to agree that in case their people should murder any British subject that such offenders should be brought in and given up to him to be tryed by our Laws and as a proof of his influence and their strict adherence to all treaties made with him several offenders of that nature were absolutely given up to him and tried and condemned by our laws; for the regulation of trade and to prevent abuses amongst the Indians the said Sir William Johnson appointed Commissioners to reside at the different posts where the traders were allowed to traffic with the Indians who from their remote situations and the nature of the employment incurred, a considerable expence to Government. Finally this Deponent Saith that during the last Eighteen years of the said Sir William Johnsons life he this Deponent was Employed in the Indian Department, under the said Sir William Johnson and was personally knowing to most of his transactions and that he with many others was regularly paid by the said Sir William Johnson for his services and all incidental expences for which he passed

receipts and verily believes that regular accounts and receipts were kept of all such parts of their expenditures as the nature of the service would admit in so much that during that Period he the Deponent never heard the least complaint against the said Sir William Johnson either by white people or Indians on that account and has every reason to believe that his late Majesty and the then commanders in Chief in America were perfectly satisfied with the Disbursements and Expenditures made by him and the Deponent well knows that large quantities of Goods and Monies were at different times given to Indians by the said Sir William Johnson for the purchase of land for the Crown particularly at Fort Stanwix in or about the year one thousand seven hundred and sixty-eight as well as to settle and prevent Disputes between them and the inhabitants of the Frontiers of His Majesty's Colonies which Monies and Goods were given with every Frugality, care and attention to his Majesty's Interest and this Deponent verily believes that the same was properly applied for the Interest of Government according to the best abilities and Judgment of the said Sir William Johnson. And that during the Late War this Deponent Saith that he has frequently when in Council with the Indians found it very useful to mention said Sir William Johnson's name and remind them of Promises which they had formerly made to him which from his great influence with them and their particular attachment to his Memory they are still punctual to observe.

This Deponent further Saith that Sir John Johnson, Son and representative of the Late Sir William Johnson, being obliged at the approach of an army of rebels in the year one thousand seven hundred and seventy-six to fly from his seat at Johnson Hall with a number of his Tenants and others through the woods to Canada as this Deponent has been frequently informed by different people of credit and that the Rebel army who were at Johnson Hall in a few hours after the Departure of Sir John Johnson placed a sentinel at the Door of the room where they confined lady Johnson till they Plundered the House of Furniture, &ca. and also a Stone office which was fire proof a Little distance from said Johnson Hall where the late Sir William Johnson and after his death Sir John Johnson kept their books and papers they Plundered and took the papers of the Late Sir William Johnson and Sir John Johnson to the Tavern in Johnstown about a Mile from said Johnson Hall which this Deponent was informed by Creditable People who saw the papers Scattered through the House and they supposed were taken away and Destroyed by the said rebels after which lady Johnson being taken down to Albany Prisoner the whole House &ca. was left to the Mercy of Rebel Troops who plundered and Destroyed what they pleased except some papers which Sir John Johnson had deposited in the Earth some of which this deponent saw after being brought into Canada Injured and Defaced to that degree that they were not Legible, and was informed that the whole were in the same Situation.

And further this Deponent Saith Not

In Testimony whereof the said Notary has hereunto subscribed my name and fixed my Notarial Seal of office at Montreal aforesaid the day & year first above written.

John Butler.

J. G. BEEK¹

(Archives Judiciaires de Montreal. Printed in Rapport de l'Archivist de la Province de Quebec pour 1924-1925, pp. 393-6).

EXTRACT FROM THE QUEBEC LAND BOOK.

20th March, 1788.

Mr. Rocheblave attended the Committee on the 15th of February to pray that his application for lands at Toronto, might be taken into immediate consideration, because the approach of the Spring presses for a decision on his request. He represents his Case to merit as much attention as that of any suffering Loyalist from the Colonies, now the States; that from his sincere attachment to the British Government and steady adherence to his loyalty he had been driven from his possessions at Kaskaskias (Fort Gage), he lost his all, and was afterwards imprisoned in a Dungeon in Virginia from whence he contrived to make his escape.

"Lands were promised him in this province, but he is yet without any, for which reason he prays the Committee to report to your Lordship on his application for a Grant of the Portage or Carrying Place of Toronto. The Committee having considered Mr. Rocheblave's request as a suffering loyalist are of Opinion, that if your Excellency shall see proper to establish the projected Carrying Place between Toronto and Lake Leclaire (28 Miles over) in consideration of Mr. Rocheblaves having been the first to point out the advantages that would accrue to the Upper Country Trade by opening that communication, he may, if it is your Excellency's pleasure that it be put into the hands of an individual, be indulged with a lease of it for a limited time, provided he agrees to conform to all such regulations as may be established by the Government for the transportation of Goods across it. The Deputy Surveyor General informed the Committee that the lands petitioned for by Mr. Rocheblave, in case he cannot obtain a Grant of the Carrying Place, are in your Lordship's gift none having as yet been laid off in that part of the Province."

(P. 14)

On the return of spring weather Captain Watson readily gave his consent to the formation of three parties to hasten the completion of surveys.

1. This deposition was probably made at the request of Sir John Johnson to support a claim by him for compensation for his losses.

FROM JONAS WATSON TO PHILIP R. FREY.

Niagara, 31st March, 1788.

Dear Sir,

I have no objections to the three parties being employed at all times in the manner the best calculated to expedite the business of the survey but am sorry that any delays should occur, as I am persuaded it will be expected below that our progress in it should be proportionable to our increase of hands.

I am &c.

JONAS WATSON, Capt. 65th.

Mr. Frey, Dy. Surveyor, Niagara.

(District of Nassau, Letter Book, No. 2, p. 10)

Meanwhile the overland route from Toronto to Lake Huron was engaging the attention of the Executive Council at Quebec.

EXTRACT FROM THE QUEBEC LAND BOOK.

“At a Meeting of the Land Committee

On Friday 2d May (1788)

Present:

Messrs. Finlay, Grant, Collins, DeBleury and De Lanaudiere.

When they read Mons. Rocheblave's Representation of 23rd April concerning the Toronto Carry- Portage of Toronto; wherein he states, that it ing Place. is thirty miles over, and that the Carrying place of Niagara is but nine, he therefore conceives that the price of carrying goods across, ought to be increased in proportion to the distance carried, as the expence of Horses, Carriages and Servants will be three times greater on Toronto carrying place than it is at Niagara; and if it shall be Lord Dorchester's pleasure to grant him an extensive privilege of carrying goods across from Toronto to Lake La Claie, he will undertake it on the following terms.

“He will carry Merchants Goods across at 5/ curry p. Cwt.

“And every pack of Peltries and Furs 5/ Do. p. Do.

“The Charge for carrying across Niagara carrying place is

“For Merchandise P. Cwt. 4/6 New York or 2/9¾ Quebec Curry.

“For every pack of Peltries 5/ New York or 3/1½ Quebec Money.

“Mr. Rocheblave will carry Batteaux in the same proportion. He will carry His Majesty's effects for double the price now paid at Niagara, which will make six shillings per barrel of two hundred weight Quebec money; provided Government will allow him equal advantages with those granted to the present

Contractor for Carriages across Niagara Carrying place; that is to say twenty Rations per day, and that all the Carriages, Horses and Oxen, taken away or destroyed by the Indians, or lost or destroyed whilst employed in transporting the King's Effects or in consequence of Orders from Government, be paid for by His Majesty.

“The Committee conceive that it may be proper to learn the opinion of the Merchants concerned in the Indian Trade, relative to the Advantages the Commerce in the Upper Countries might reap from a Carrying place at Toronto, and likewise to lay before them the prices at which Mr. Rocheblave proposes to carry Merchandise across from Toronto to Lake La Claie, if it shall please your Excellency to suffer a Road to be cut there.
(P. 23.)

13th June, 1788.

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| Mr. Rocheblave concerning the Carrying Place at Toronto. | On Reading the Report of the Committee relating to the Petitions of Mr. Rocheblave concerning the Portage at Toronto. Ordered by His Lordship with the advice of the Board that Messrs. Caldwell, Harrison & Baby and the Gentlemen of the Council residing at Montreal, communicate the Report to the Petitioner, receive his proposals, find ways and means to make the Overture known to those concerned or interested in the Indian Commerce, and then report to his Lordship what may be expedient to be carried into execution. (P. 27). |
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At a subsequent meeting of the Executive Council the formation of four new districts in the upper country which had been sanctioned by two successive acts of the Legislative Council but delayed for mature consideration, was finally authorized by letters patent.

FROM JENKIN WILLIAMS TO GEORGE POWNALL

Wednesday 14th May, 1788.

His Lordship called the Attention of The Council to the question on the propriety of *forming* the *new Districts* proposed to their consideration on the 27th day of December last; and a new Draft of a patent for that purpose being now adjusted Ordered by His Lordship with the advice of the Council that it issue accordingly under the Great Seal.

J. WILLIAMS.

To Mr. Secretary Pownall.

Received 15th May 12 O'clock.

PATENT CREATING FIVE NEW DISTRICTS.

Dorchester, G.

GEORGE THE THIRD BY THE GRACE OF GOD of Great Britain, France and Ireland King, Defender of the Faith and so forth. To all Our loving subjects whom these presents may concern GREETING. WHEREAS Our Province of Quebec stands at present divided only into two Districts, and by virtue of two certain Acts or Ordinances, the one passed by Our Governor and the Legislative Council in the Twenty-Seventh Year of Our Reign, and the other in the present year, Provision is made for forming and Organizing one or more new Districts. Now Therefore Know Ye that Our Governor of Our said Province, by the advice and consent of Our Council of Our said Province, and in pursuance of the Acts and Ordinances aforesaid, hath formed and doth hereby form the several new Districts hereinafter described and named To Wit the District of *Luneburg*, bounded on the East by the Eastern limit of a tract called or known by the name of Lancaster, protracted Westerly and Southerly as far as Our said Province extends, and bounded Westerly by a North and South line intersecting the mouth of the River Gananoque now called the Thames above the Riffs of the Saint Lawrence, and extending Southerly and Northerly to the limits of our said Province, therein comprehending the several Towns or tracts called or known by the names of Lancaster, Charlottenburg, Cornwall, Osnabruck, Williamsburg, Matilda, Edwardsburg, Augusta, and Elizabeth Town; And also erecting one other District to be called the District of *Mecklenburg* extending within the North and South bounds of Our said Province from the Western limits of the said District of *Luneburg* as far Westerly as to a North and South line intersecting the mouth of a River now called the Trent discharging itself from the West into the head of the Bay of Quinty, and therein comprehending the several Towns or tracts called or known by the names of Pittsburg, Kingston, Ernestown, Fredericksburg, Adolphustown, Marysburg, Sophiasburg, Ameliasburg, Sydney, Thurlow, Richmond, and Camden, and also one other District to be called the District of *Nassau*, extending within the North and South bounds of our said Province from the Western limit of the last mentioned District, so far Westerly as to a North and South line intersecting the extreme projection of Long-point into the Lake Erie, on the Northerly side of the said Lake Erie; and also one other District to be called the District of *Hesse*, which is to comprehend all the residue of Our said Province in the Western or inland parts thereof, of the entire bounds thereof from the Southerly to the Northerly boundaries of the same; And also one other District to be calleed the District of *Gaspé*, and to comprehend all that part of Our said Province on the Southerly side of the River Saint Lawrence, to the Eastward of a North and South line intersecting the North Easterly side of Cape Cat, which is on the Southerly side of the said River;

of which all Our loving subjects are to take due notice and govern themselves accordingly. In Testimony whereof We have caused these Our Letters to be made patent, and the Great Seal of Our said Province to be hereunto affixed. Witness Our Trusty and Well beloved GUY LORD DORCHESTER, Captain General and Governor in Chief of Our said Province, at Our Castle Lewis in Our City of Quebec this Twenty-fourth day of July in the year of Our Lord one thousand seven hundred and eighty eight, and of Our Reign the twenty-eighth.

GEO. POWNALL, Sec'y.

(State Records)

Two ordinances of considerable importance for regulating the inland commerce of the province and imposing duties on certain articles imported from the United States were brought into force, which required the appointment of officers to supervise their effect.

FROM LORD DORCHESTER TO LORD SYDNEY.

Quebec 17th May, 1788.

Duplicate No. 60.

My Lord:

The Act for regulating the inland Commerce of this Province passed in the last Session of the Legislative Council, together with the one of last year regulating the importation of Tobacco, Pot and Pearl Ashes, is judged to comprehend everything necessary at present for the government of our inland commercial intercourse with the neighbouring American States.

Every attention shall be paid to prevent Smuggling.

We may in some small degree check it, but unless the profit to the Smuggler be taken away, I hold it impossible to hinder the neighbouring States, from supplying the King's provinces with whatever Articles they can afford to sell cheaper than our Merchants. And the reverse of the case would render it equally impossible for our neighbours to prevent such articles being smuggled into their territories from this side.

Tea on account of the easy carriage and general consumption of it will be the most consequential article of inland contraband importation; and by sea the principal object is wine, in which the states are able to undersell us considerably, owing to the advantage of a direct importation from the place of its growth whereas our Merchants must import by the way of Great Britain which occasions delay and increases the freight besides subjecting them to other expences.

The profit on Rum is at present not considerable enough to encourage our neighbours to the illicit importation of it in any great degree, but should that article distilled by the King's

Subjects, and particularly the common sort, which is manufactured in the King's Provinces on this continent, ever rise in our Markets higher than it is now, in proportion to its price in the States, the smuggling of it must become a matter of serious concern, not only on account of its general consumption in the King's Colonies, but more so, as an indispensable ingredient in the Indian Trade and the Fisheries.

I am &c.

DORCHESTER.

The Right Hon'ble Lord Sydney.

(Q. 36-1, pp. 244-6.)

The progress of the western settlements on the frontier of the United States did not escape Dorchester's attention and furnished him with a strong argument for a more liberal tenure of lands.

FROM LORD DORCHESTER TO LORD SYDNEY.

Quebec 17th May, 1788.

Duplicate No. 62.

My Lord,

The inclosed Copy of a lease between Deputies of the Six Nations and some Americans, whereby the former make over all their Country, with inconsiderable reservations, for nine hundred and ninety nine years, will shew your Lordship the progress made by our Neighbours in the plan of occupying all the country from the forty-fifth degree of North Latitude, on the South banks of the River Saint Lawrence, Lake Ontario, and a considerable way up Lake Erie, which by this instrument the Indians allow them to settle and cultivate.

That part on the river Saint Lawrence, and some distance upon Lake Ontario, has already been disposed of by the state of New York, and roads of Communication are making from Lake Champlain to that river, as well as from the back parts of Pennsylvania towards Lake Erie and Ontario which will greatly facilitate these new Settlements.

Besides these pacific measures, additional Troops are raising, and steps taken by Congress to form Magazines at a variety of Posts and communications throughout the western country, from the mouth of the Ohio up to Lake Erie, and at different places along the banks of it, which if carried into execution, will enable them to carry on any operations on the Lakes Erie, Huron or Ontario, as well as on the River Mississippi.

Similar Arrangements were in agitation last year, but to a less extent.

These Measures clearly evince the necessity of advancing the Western settlements of this Province, of securing the attach-

ment of the planters, by granting their lands on the most advantageous tenure—and of putting them in possession of the navigation of the Lakes, as soon as possible.

I am &c.

DORCHESTER.

The Right Hon'ble
Lord Sydney.

(Q.36-1, pp. 237-8).

The death of Colonel Daniel Claus, who had lived in England for several years, caused a vacancy in the Indian department which Sir John Johnson wished to fill by the immediate appointment of his son, William Claus, who eventually succeeded Colonel Butler at Niagara, nearly ten years later.

FROM LORD DORCHESTER TO LORD SYDNEY.

Quebec 17th May, 1788.

Duplicate No. 65.

My Lord:

Colonel Claus Deputy Agent of Indian Affairs having lately died in London, Sir John Johnson the Superintendant and Inspector General has recommended the son Lieutenant Claus of the second battalion of the sixtieth Regiment to succeed to the appointment, which I have declined complying with, on account of his youth, and that Office not being at present necessary; I have however promised Sir John Johnson, that I would recommend his sister to your Lordship, for a continuance of the Salary (Two hundred Pounds per annum).

Mrs. Claus is the eldest daughter of the late Sir William Johnson, whose merits are well known, her husband also was an old Servant having served upwards of thirty years as a Lieutenant and Captain in the Sixtieth Regiment until the Reduction in 1763, and from that time as Agent of Indian Affairs to the department of the Six Nations, and as I am informed suffered considerable loss of property by the late rebellion.

As I think this mode of providing for the family more advisable for the King's Service than giving the appointment to the Son, I am therefore to recommend the same to your Lordship.

I am &c.

DORCHESTER.

The Right Hon'ble
Lord Sydney.

(Q. 36-1, pp. 259-60).

The following letter shows that Sir John Johnson continued to press his recommendation very urgently.

FROM SIR JOHN JOHNSON TO EVAN NEPEAN.

Montreal 5th June, 1788.

Dear Sir,

I thank you sincerely for your very friendly letter of the 4th of April by Mr. Claus on the death of his father, a more honest, upright and exemplary Man could not exist, his loss is therefore the more severely felt by all his Connexions, and sincerely regretted by all who were intimately acquainted with him, and by none more than by the Poor Ignorant Savages who had many years experienced his upright conduct and goodness of heart towards them, which they have acknowledged in the most Publick and gratefull manner possible from all quarters in their Ceremonies of Condolence upon the Occasion, and as a proof of their Affection they had requested me in the presence of Colonel Campbell, before the sons Arrival, to permit them to Name him after the father as the highest mark of regard they had for the Memory of their departed friend.

The situation of our family, who have sacrificed all they possessed in His Majesty's Service, is far from being Affluent, his Lordships goodness therefore in making the Provision intended for one Branch of the family, will ever be held in gratefull remembrance; and I can Assure you that it will be more pleasing to the Six Nations and Indians of Canada that Any other Appointment that could have been made. I hope as you have given me reason to expect it, to hear a confirmation of it soon, and that some steps may have been taken towards a settlement of Colonel G. Johnsons Indian Accounts, as I am informed no compensation will be made to his family for their losses untill that is the case, and they have nothing left for their support but what they have a just right to expect on that Account, so that however Imprudent the father may have been it is evident he lost, but did not make a fortune in the King's Service as many others have done, who have had little or no trouble in the Settlement of their Accounts since. I must therefore once more request your friendly Assistance in recommending a Settlement of our Accounts that Mr. Chew has been now employed about near four years.

Lord Dorchester has recommended Mrs. Claus to His Majesty for a Pension of two hundred a year but I hope it will not interfere with Lord Sydney's kind intentions towards the Son.

I am &c.

JOHN JOHNSON

Evan Nepean Esqr.

(Q. 38, pp. 245-6).

Dorchester continued to watch the conduct of the people of the United States on the Indian frontier with suspicion.

FROM LORD DORCHESTER TO LORD SYDNEY.

Quebec 9th June 1788.

No. 67.

My Lord:

The Courts of Law for the Province of Quebec do not think themselves authorized for the exercise of the ordinary course of justice, civil or criminal, in such parts of His Majesty's dominions, on our southern frontier, as lie without the bounds assigned by the Royal Commission, which, in part adopting the language of the late Treaty of Peace, greatly contract the dimensions, which the province had under the Quebec Act.

The territory between the forty fifth degree of latitude and the King's Post at Point au Fer near the north end of Lake Champlain, the Settlement within and without the fort on the east side of the river at Niagara, and the settlements at Detroit on the west side of the river, as well as those at Michilimakinac, are all affected by this difficulty.

They are considered by the Courts, as well beyond the reach of their ordinary judicial powers, as without the limits of the Provincial legislature.

The inhabitants of these territories on Lake Champlain and at Niagara, are chiefly American Loyalists, some at the former place, though south of the forty fifth degree of latitude, derive their titles from Canadian grants under the French Government, those about Detroit are chiefly old Canadian Settlers, intermixed with such of the Kings natural born subjects, as in the pursuit of Commerce annually resort to, or have formed establishments in, that Country, the people of Michilimakinac are for the most part traders, and their numbers considerable during the season.

They all desire the full and effectual protection of our laws.

The instances in which that protection will be called for, and in which justice and the common weal render it absolutely necessary, must become more frequent every day, in proportion to the increase of the settlements.

I am therefore to request His Majesty's Commands on this important subject as soon as may be.

The case of murder beyond our limits, I am told, is the only one, under treason, in which a remedy is provided by the statute of 33 Henry 8, Chap. 23; though even in this respect doubts have been raised by some members of the Council, as your Lordship will perceive from the inclosed copy of their report, on the previous examination, directed by that Act, of some prisoners now in custody, under charge of Murder.

I need not point out to your Lordship how essential it is to the honor of the Kings Government, and the safety of His Subjects, that the progress of justice be marked with certainty, vigor, and dispatch.

I have therefore determined, as the Chief Justice does not object to the trial of the Offenders under the Statute to issue a special Commission of Oyer and Terminer for that purpose, without paying any other regard to the scruples of those Gentlemen, than, in the event of condemnation, to reprieve the criminals, till His Majesty's pleasure is known, if doubt on the legality of the proceedings should become more general.

Since the examination of the prisoners mentioned¹ in the inclosed report, another has been sent down from Niagara to Montreal, charged with the like crime.

Respecting the murder charged to have been committed in the Arabaska, it may be proper to observe that the Fur trade annually carries some hundreds of our people to that remote country, estimated by them to be distant, in a meandering water communication through rivers and lakes, at a thousand leagues north westerly from the grand portage, between the lake Superior and the Long Lake, leading to the lake of the Woods.

And in the vague description of our western partition with Hudson's Bay, your Lordship will perceive ground for the difficulties above mentioned in all those parts of the interior country, which by the interpretation of our limits may be found extra provincial.

I am &c.

DORCHESTER.

The Rt. Honble
Lord Sydney
(Q. 36-1, pp. 276-9).

FROM LORD DORCHESTER TO LORD SYDNEY.

Quebec 9th June, 1788.

No. 66.

My Lord,

The reports of a confidential person² whom I thought necessary to employ under the inclosed instructions, on the prospect of a war, and on account of the measures carrying on by the United States, in the Western Country, confirm the perseverance of our neighbours in the system of occupying all the Indian Lands, south of the line, described by the treaty of peace.

An Ordinance of Congress, for the Government of the Territory Northwest of the Ohio, has lately been transmitted by him, a copy of which I enclose, although I must suppose your Lordship has had an early communication of it from another quarter.

1. Abraham Hammell and James Gale had been sent down from Niagara to be tried for the murder of Nehemiah Street near Fort Niagara. As this atrocious crime had clearly been committed within the territory of the State of New York, these men escaped conviction.

2. Lieut. Colonel John Connolly.

The object of this Ordinance, your Lordship will perceive, is the peopling and dominion of all that country between the Ohio, the Mississippi, and the Great Lakes, assigned to this Province by the Quebec Act.

Mr. Sinclair, who commanded at Tionderoga in the year seventy seven, has been appointed Governor of that district some time since.

The same reports state that there are Posts of Continental Troops at Venango, Fort Pitt, and Fort McIntosh, upon the Ohio, as well as at Post Vincennes upon the Wabash, and that it is apprehended another American Post will be established at the Miami Town on Lake Erie, which if effected must greatly injure our Indian Trade in that part of the Country.

A Message from the United States has been sent to all the different tribes of Indians throughout those Territories, inviting them to a general Treaty of Peace at the falls of the river Muskingam, a copy of which is likewise inclosed. But it seems from the above reports as well as others from Detroit and Niagara, that the Indians are in doubt what steps to pursue on this occasion; at any rate they cannot be ready to meet the American Deputation at the time appointed, as they mean previously to hold a Grand Council among themselves, agreeable to their determination of last Autumn.

The Settlers at and about Detroit have shewn great alacrity, in complying with the requisition (mentioned in my letter No. 58) of furnishing pickets for the defence of that Post.

At Niagara a meeting has been held with the six Nations at their own request, in which they have declared, that the lease, making over all their Country to some Amricans (a copy of which I transmitted in my Letter No. 62) was signed without Authority, and contrary to their intentions, and since that transaction a Message and Proclamation from the Governor of New York has been brought to them, declaring the lease to be illegal, and forbidding the Subjects of the State of New York taking possession of any Part of their lands in consequence thereof, inviting the Six Nations at the same time to a Particular meeting with delegates from the State.

Of this the Object probably will be a smiliar arrangement, respecting their lands, on the Part of the New York Government, in the event of which taking place, the consequence, in regard to the King's interests, will be the same.

The Indians however have desired a meeting with the Officer of the Indian Department at Niagara, in order to consult him on the steps, which it may be Proper for them to take on this occasion.

I am &c.

DORCHESTER.

The Rt. Honble
Lord Sydney.
(Q. 36-1, pp. 251-4).

The administration of justice near the international boundary and in the vicinity of the distant trading posts soon raised difficult problems as to jurisdiction, on which the advice of the minister was requested.

FROM LORD DORCHESTER TO LORD SYDNEY.

Quebec 10th July, 1788.

Duplicate

No. 72.

My Lord,

The increasing Population of this province, particularly in the western Settlements of the loyalists above Montreal, rendering the Partition of it only into two districts no longer adequate to the maintenance of order, and an effectual dispensation of justice, provision was made by the ordinance of the 27 year of His Majesty's reign Chap. 4 for the erecting of one or more new districts to free the distant Inhabitants from the detriment and hardship of being compelled to appear hundreds of miles from their homes before the Courts at Quebec and Montreal.

A new division of the Province into seven districts has therefore been found expedient, but retarded hitherto by the difficulty of finding proper Officers upon the spot, for the two necessary Courts of Quarter Sessions and Common Pleas, in the five additional districts, it being judged advisable, in order to avoid new charges to the Crown, as much as possible, to hold out no other support to these several Officers, at present, than merely a tariff of fees. But this alone I apprehend may be found insufficient on experience, though I hope to be able to effect this new establishment at a moderate expence.

At Gaspé and Chaleurs bay a Judge at one hundred pounds and a Sheriff at twenty pounds annual Salary have been appointed for some years past.

In the Settlements of the loyalists west of Montreal, on this side of the river and lakes, whose inhabitants have formerly been accustomed to the proposed mode, and whose transactions as husbandmen cannot be very complex, for some time, the views of government I hope will be much facilitated by the public spirited disposition of that people.

But at Detroit, where much property is circulating in commercial transactions in the Indian Trade, cases are more complicated, and increased, by the mixture of Canadian and British Settlers, and the diversity of their customs. The administration of justice in that district will therefore require talents, which it may be difficult to find without a more ample encouragement, than what may be sufficient in the other parts of the province.

The Commandant at Detroit has hitherto ordinarily been under the necessity of interfering for the preservation of good order in the settlement.

With respect to such cases as may arise without the limits assigned to the province by the Royal Commission, at the last mentioned Post as well as at the forts of Niagara and Michilimackinac, Your Lordship will perceive that the difficulties stated in my letter No. 67 will still remain after this new jurisdiction shall be established.

Provision having been made in the same ordinance for the easy decision of small causes without appeal, by authorizing the subdivision of each district into circles, and the appointment of the necessary Officers for summary Courts of request, I purpose likewise to proceed to the execution of that measure, as soon as it shall be judged advisable, for the convenience of the people, and a choice can be made of proper subjects for the trust.

These arrangements, when completed, may be expected to remove many of the inconveniences arising from the present system. But I am inclined to think, that in addition to these advantages, still greater might be derived from certain limitations to the authority of the Courts of the Districts, and the introduction of one supreme judicature of Common Pleas over the whole province, sitting at the seat of government with original jurisdiction, and from thence making periodical circuits by some of its judges for the trial of such issues, as it may be most expedient to determine in the district where the suit was commenced, or the cause of action arose.

And in the same circuit the criminal business of the district might be dispatched under the ordinary commissions of Oyer and Terminer, and General Gaol Delivery, which hitherto in the case of offences perpetrated in the remote parts of the province, has been attended with many difficulties, and not accorded with the security, which English Criminals draw from Jurors of the vicinage.

Such a supreme Court would give uniformity, energy, and dispatch to the administration of justice throughout the whole province, and by dividing the number of causes, prompt and enable both the higher, and the lower Courts to pay the greater attention to the object of their cognizance.

I am &c.

DORCHESTER.

The Right Honble
Lord Sydney.

(Q 36-2, pp. 413-6).

FROM LORD DORCHESTER TO LORD SYDNEY.

Quebec 10th July, 1788.

Duplicate

No. 73

My Lord,

A/ I enclose copies of the Commission, Instructions and
B/ forms for the Execution of the Office of Superintendant of
C/ the Inland Navigation, five of whom have been appointed
at Kingston, or Cataragui, Niagara, Fort Erie, Detroit,
and Michilimackinac, in pursuance of the Ordinance of the last
Sessions for promoting Chap. III. the Inland Navigation, a copy
of which is also inclosed.

I am &c.

DORCHESTER.

The Right Honble
Lord Sydney

B.

INSTRUCTIONS

Guy Lord Dorchester,
Captain General & Governor
in Chief of the Province of
Quebec, &c., &c., &c.

To

Esqr.

Superintendant of the Inland Navigation at

I. You will herewith receive a Commission for executing the Trust mentioned in a late Law of this Province intituled "An Act or Ordinance for Promoting the Inland Navigation" and therewith a Copy of the said Act with the forms in blank for facilitating the Service committed to your care, and you will without delay proceed to qualify yourself therefor, by taking an Oath before such Person or Persons, as shall have authority to administer the same, well and faithfully to execute the said Office according to the best of your skill and understanding.

II. Your Office extends to whatever concerns the granting the Ship Documents, Registers, Manifests, Passes, and Clearances made necessary by the said Act, the receiving Reports on arrivals and the dispatch of the Vessels and the taking Oaths and securities, with Authority hereby granted to make seizures in all cases of forfeitures incurred by the breach of the said Act.

III. You are attentively to consider the said Act or Ordinance and diligently to superintend the execution thereof, affording every facility for the advancement of the fair trader, and at the same time exercising all due vigilance over any conduct and practices that may be injurious to the dominion of the Crown and the public weal.

IV. You are to execute and preserve Duplicates of all Registers, Manifests, Passes and Clearances, which you shall issue and keep Books of all the material events and transactions essential to the right execution of your trust, carefully preserving the same, and all such writings and papers as become a part in the files thereof, and tending to throw any light upon the Conduct of your Office; and it is further recommended to you to keep a Journal for such Remarks and intelligence as connect with the important subject of the Inland Commerce and Navigation, and which it may be expedient that the Government be made acquainted with respecting the same, for the better advancement of Commerce and the greater security of the authority and interest of the Crown.

V. You are every three Months to transmit Abstracts of the books so to be kept to me or to the Governor or Commander in Chief for the time being; and be prepared to transmit the Originals at the Close of the Navigation for the Year to the Council Office at Quebec, in such way and at such times as you may receive directions for the safe conveyance thereof. And you are to give immediate notice in writing to the Commanding Officer of all arrivals of Vessels at your Post expressing the places, from which they come; and of all intended departures expressing the places for which they are destined, together with the General contents of the Cargoes.

VI. You are at all times to conform yourself to the Laws of the Province and such regulations as may be made under the authority of the said Ordinance by the Governor or the Commander in Chief for the time being.

Given under my hand and Seal at Arms
at the Castle of Saint Lewis in the City of
Quebec the day of July in the Year of Our
Lord One thousand seven hundred and eighty
eight.

By His Excellency's Command.

D.

(Q 36-2, pp. 418, 422-5.)

FROM JOHN COLLINS TO PHILIP R. FREY.

Surveyor General's Office, 31st July, 1788.

Sir,

Inclosed you have a general instruction for your government in laying out lands in future and also a copy of his Excellency Lord Dorchester's Commands in Council of the 7th Inst., both of which you will please to attend to; my former letters respected a particular account of your settlement, & a plan of the same which I now beg leave to repeat, that you send it to this Office by the first safe conveyance. Let your plan include the whole settlement from the Head of Lake Ontario to Detroit. I expect his

Excellency Lord Dorchester will soon visit the western country, in that case you will give his Lordship every necessary information respecting carrying on the settlement in that quarter; the Surveyor General being absent from this Province makes it necessary that you appoint some agent here to present your accounts & receive your Money. Let your accounts be proved and all the vouchers for money paid by you accompany them. I wish you health, and am &c.

JOHN COLLINS, D.S.G.

Mr. Philip Frey, Deputy Surveyor, Niagara.

(District of Nassau, Letter Book, No. 2, p. 11.)

In pursuance of these directions surveys were diligently continued by the three parties in the field and a general plan of eight townships was prepared. A portion of this plan is reproduced in the third report of the Bureau of Archives for the Province of Ontario, pp. xcix and c.

FROM JOHN COLLINS TO PHILIP R. FREY.

Surveyor General's Office, Quebec, 28th August, 1788.

Sir,

For your future Government I inclose you the plan of a town and township, approved by his Excellency Lord Dorchester in Council and ordered to be made use of in future.

I am &c.

JOHN COLLINS, D.S.G.

Philip Frey, Esq.

(District of Nassau Letter Book No. 5, p. 17).

About this time some of the chiefs of the Mohawks appear to have made a protest against the occupation of portions of their reserve by white men to which the following reply was delivered in writing.

FROM LORD DORCHESTER TO AARON AND ISAAC HILL

At A Meeting held with Capt. Aaron Hill alias Raronwaron, and Capt. Isaac Hill, both Mohawk Chiefs of the settlement of the Grand River the Superintendent General & Inspector General of Indian Affairs, after the usual ceremonies of condolence, &ca. spoke as follows, in the name and by desire of His Excellency, Lord Dorchester.

Montreal 20 September 1788.

Brethren:

Your long attachment to the English, and your faithful services during the War, are well known to me, and all the Na-

tion, which makes it the more painful to hear of the disputes, or differences of opinion, that now subsists among your Nation, particularly those that tend to endeavour to alienate your affection from the King your Father, as it must be from him alone, that you can receive protection. In order to ease your minds relative to your right to the Lands you are settled upon, on the Grand, or Oswego River, I think it necessary to acquaint you that the Land as appears by the papers annexed, was granted by His Excellency Sir Frederick Haldimand my predecessor in the Government of the province, to the Six Nations in general, and the White people, have no right to it, and must withdraw, and if they do not do it forthwith of their own accord, measures will be taken to compel them. That all the White people know that they are not to inveigle, and work upon the passions of the Indians, to obtain grants of Land.

That if the Indians are prevailed upon in some instances to comply with their solicitations the King will never confirm their grants, nor allow the individuals to keep possession.

Measures will be taken to bring about a reconciliation, and to restore peace in the Village, but as it in a great measure depends upon yourselves to facilitate this desirable end, you cannot be too circumspect in your conduct.

You will therefore act with great temper and forbearance, that no blame may rest on you; and that none may plead ignorance of the intentions of Government in making the Grant, this and the annexed papers should be made public to both Whites & Indians.

(Signed)

DORCHESTER.

A copy of the grant from Haldimand is attached.

(State Papers, Indian Affairs).

Toward the end of the year Lord Dorchester reported at considerable length on the position of Indian affairs, which evidently caused him much anxiety.

FROM LORD DORCHESTER TO LORD SYDNEY.

Quebec 14th October, 1788.

Duplicate

No. 81.

My Lord,

The Indian Chiefs, who declared the lease or sale of their lands to have been without their Authority (as mentioned in my letter No. 66) have since ratified the same with some alterations. They have reserved for their own use a considerable tract of land extending from lake Ontario to Lake Erie, round the streight and post of Niagara, and have guaranteed the possession of the sale and lease to the company who have made the purchase.

These arrangements were made in the presence of Lieutenant Colonel Butler of the Indian Department, and of Joseph Brandt, who it is believed are concerned in this purchase from the Indians as well as some other persons resident near Niagara, The share of each is said to be thirty thousand acres, and perhaps more to the first, and the price for this quantity alledged by them five hundred pounds; but from various circumstances this is presumed to be fictitious, and that the land is given them without expence, partly perhaps for their interest with the Indians, partly as a present. At the same time these reports state that the persons above named are believed to have no plan but to make the most of the lands thus given them, without the smallest idea at present of ever residing there.

All these transactions are in opposition to the State of New York. The Governor went to Fort Stanwix to treat with the Indians in behalf of the State, and great pains were taken to engage the Indian chiefs to meet him, but after a Council held among themselves they mostly returned to their villages, and few attended him; some however are gone, with whom it is supposed a bargain will be struck to furnish a handle for disputing the claims of the purchasers.

But this competition will not obstruct the settlement of that part of the lands so purchased from the Indians which falls within the cession made by New York to Massachusetts, in which a town and sixteen townships or parishes have been laid out, and a road begun from the town to Canadasago lake, a distance of about fifteen miles, which is to be continued to Chenesee River.

The western Indians of Detroit & Michilimakinac continue to commit frequent acts of hostility against the Americans upon the Ohio and adjacent country, contrary to every advice.

A party of the Chippawas nation on the 1st of August last brought into Michilimakinac six scalps and one prisoner, which they had taken seventy miles up the Muskingum River running into the Ohio, where a subaltern's party of American Troops was stationed to build a Magazine and Council house for the Grand Council to be held there with all the Indian nations as mentioned in my letter No. 66.

This conduct has produced a message to the Indians at Detroit from Mr. Sinclair the American Governor of the western territory, and Commissioner for treating with the Indians, demanding satisfaction to which the Chiefs determined to reply, that they were desirous of peace, hoped the Americans would not suffer a few ill disposed men to destroy their good intentions, but consider that they have men alike ungovernable among themselves. A young Indian warrior has been killed upon this last expedition.

Joseph Brandt with a hundred and thirty-six warriors of the Six Nations left Detroit the 4th of September to meet the other nations at the rapids of the Miamis previous to their Grand Coun-

cil with the Americans at the River Maskingum. An Officer of the Indian Department accompanies them, and has taken with him the above mentioned prisoner, who had been sent down by the Officer commanding at Michilimakinac.

It is added that great unanimity appears to prevail among the different nations, who are to assemble at the Miamis, that they dismissed some emissaries sent among them by the Americans, and publicly expressed their disapprobation of the conduct of the Hurons, who had received and some time entertained them. Their intention is supposed to be to agree upon a boundary between them and the United States, and if necessary, to relinquish all the country on either side of the Ohio, actually settled by the Americans.

The Indians of the new village on the Grand River on the north of lake Erie are much dissatisfied with Joseph Brandt, on account of some arbitrary proceedings in their settlement.

The Indians on the Wabache are reported to be gone to the southward to assist the nations of that quarter in an attack made by them on certain settlements on Cumberland river, which runs into the Ohio from the East near the mouth of the Cherokee river back of the Floridas.

Since my letter No. 67 three Indians have been sent down from Michilimakinac to Montreal, charged with the murder of two negroes, which they have confessed. The Commanding Officer of the post reports that murders in that vicinity are frequent to the great injury of trade.

I am &c.

DORCHESTER.

The Right Honble Lord Sydney.

(Q 38, pp. 141-4.)

Early in the autumn the Governor General made his only visit to the settlements in Upper Canada, going as far west as Niagara, where his stay was very brief and little record of it has been made. ¹He conferred with some of the principal settlers and the result of his observations was embodied in the following letter to the Colonial Secretary.

FROM LORD DORCHESTER TO LORD SYDNEY.

Duplicate
Private.

Quebec 14th October 1788.

My Lord,

Previous to my answering Your Lordship's private letter of September Eighty-seven, I thought it highly necessary to visit

1. See the petition of Peter Secord, in Papers and Records of the Ontario Historical Society, Vol. XXIV, pp. 119-120.

the settlements of the loyalists in upper Canada, which in a few years will make a very considerable portion of this province, and may, I trust, with proper management, afford no small support to the interests of Great Britain. Their improvements exhibit strong proofs of industry, the greater number declare they are better circumstanced and happier than before the rebellion, with many Acknowledgements for the assistance they have received from the Crown; sentiments which deserve well to be cultivated, and the temper of this continent considered, may have an extensive influence.

The tenure of their lands is the great object, about which they are most anxious at present, and I cannot but hope they will soon be gratified.

We are in daily expectation of seeing planters on the American side of the river and great lakes, and it is much to be wished, they should on all occasions perceive, how much they are fallen, and the loyalists find, upon every comparison, strong reasons to congratulate themselves upon having persevered in their duty.

It is said those emigrants bring with them sentiments not very favourable to their new governments.

The animosities which Animated the legislative Council the sessions before last were confined to the towns of Quebec and Montreal. Among their inhabitants they originated and extended little further; so that a division of the province into two would not afford a remedy to this evil, though it might be attended with other good consequences, and indeed may become necessary in a little time.

These animosities were much heightened by old resentments, and enmity; great warmth and constitutional sharpness of temper had also a share with the politicks mentioned in my public letter No. 17.

Should gentle expostulations fail of success an unchangeable resolution, that in future all such indecent conduct should disqualify any member for marks of favour, without applying this disqualification to the system of politics but to the indecency of the man, Appears to be the most prudent means of rendering the Council more temperate in their debates.

Both sides appear to me to be in the wrong, for both ran into the extreme; the one would admit no change of the antient laws, and endeavoured to discontinue the jury clause granted by a former ordinance under certain restrictions, the other party would change too much; and in these extremes lay their error. Suddenly to introduce volumes of unknown laws for the disposal of property, appears to me neither wise nor just; on the other hand it never was the intention of the Quebec Act to shut the door against every alteration. The powers given to the Governor and Council as well as the twelfth Article of His Majesty's instructions authorize, and seem to expect, that such laws

shall be introduced from time to time, as commerce, and the growing state of the population, may require. Judicious laws so enacted by degrees, and published, may be of great advantage; but introduced in bulk, and by general description, I should think injurious and cannot answer the end of promoting justice and harmony among the people at large, as your Lordship may observe by the proceedings of those who present the counterpetitions to every request for a change of laws or form of government. In these respects I think the Canadians but little changed, though they have not much address in managing such intrigues, besides they have been somewhat intimidated by the proceedings of the grand jury and Attorney General on the last struggle of this sort.

There is an other source of disquietude, which I fear extends far among the merchants more particularly those concerned in the upper country trade, I mean an unfavourable prospect in their affairs; this I have been told arises from the profuse credits formerly granted, together with the low price furs bore at home last winter. They expect as bad a market this year. And besides receiving the furs at Detroit at a higher price than they bring in London, some of their traders escape to the Mississippi without paying the merchant, who furnishes their goods.

A bad crop this season renders the prospect still worse.

To all these evils I think the most effectual remedy may be found in a firm and benevolent Administration.

At the same time an early decision of the business of Canada at home is much to be wished, as the present suspense keeps up some agitation in the minds of the people here.

I am &c.

DORCHESTER.

The Right Honble Lord Sydney.

(Q. 38, pp. 164-7.)

The surveyor reported progress about the same time.

FROM PHILIP R. FREY TO JOHN COLLINS.

Niagara, 18th October, 1788.

Sir,

I am duly honoured with your favour of the 31st July, accompanied with instructions from the Surveyor General's Office of 28th August with a plan of a town and township, 2ndly of the 31st July inclosing a late Report of Council on the business of surveying, as it is evident from the date of this last the Boards of Enquiry were not yet established, I presume that you would now wish me to conform to the same Rules as laid down for the rest of the Deputies for admeasuring lots of land for those, with whose characters it is satisfied; I enclose a Copy of Mr. Coffin's

Letter to Lieut. Colonel Hunter, of the 10th Sept. last from Montreal and am in daily expectation of receiving your further instructions to conduct [myself] conformable thereto, as a list for establishing a similar Board for the District of Nassau is transmitted to his Excellency Lord Dorchester by Lieut. Colonel Hunter which is expected to be confirmed by the next vessel. My surveys you will observe are not yet extended so near to the Limits of Detroit as you expected, & the extent of whole settlement on Lake Erie no further than Sugar Loaf Hill. I have taken care to carry on my surveys only in such Parts of the country where I found people were taking up the lands and settling in a promiscuous manner, in order before they made any considerable improvements, to ascertain to each individual his exact boundaries without laying out a whole township for a few families and afterwards be at a loss from what fund to satisfy my chain and axe men.

If I could be allowed for stationary I should be happy as my expenditures on that score are considerable being obliged to keep lists of names, & the Lots they possess in the different townships, tickets¹ for the numbers &c., registering, &c., &c. The expence in purchasing materials for that purpose have for the last year been upwards of ten pounds York Currency.

You may rest assured, Sir, that I will at all times exert myself for the public good and endeavour as far as lays in my power to do my business with that rectitude as to prevent future dissensions among the present settlers or their successors.

Mr. Thomas Smith,² a gentleman who has for some time acted as a Deputy Surveyor at Detroit, and who is still employed in laying out lands for some of the Loyalists there remonstrates on the hardship of receiving no allowance from Government, for that purpose. So little [is] to be done there I employ my whole time to the furtherance of the settlement in this District; if through your representation to his Excellency in Council some allowance could be made to that gentleman I make no Doubt of his cheerful services.

I have the honor to be &c.

P. R. FREY, D. Surveyor.

John Collins, Esqr.

(District of Nassau, Letter Book No. 5, pp. 17-9.)

FROM PHILIP R. FREY TO JOHN COLLINS.

Niagara, 18th October, 1788.

Sir,

An abuse has crept into the Settlement which may still be remedied. People taking up more than one lot upon the Lake

1. A considerable number of his tickets of location were written on the backs of playing cards. 2. See Simcoe Papers, Vol. III, p. 129.

or River or other navigable streams, this entirely spoils the appearance of the Settlement and destroys the intention of having it as compact as may be. I should be glad to have your orders thereto by the first opportunity.

I have the honor to be &c.,

P. R. FREY, D. Surveyor.

John Collins, Esqr.

(District of Nassau, Letter Book No. 5, p. 19).

Petitions for lands still continued to come before the committee of the Executive Council at Quebec.

EXTRACT FROM THE QUEBEC LAND BOOK

22nd October, 1788.

“To His Excellency The Right Honorable Guy Lord Dorchester Captain General and Governor in Chief of the province of Quebec, &c., &c.

“The Memorial of Lieut. Colonel John
Lieut. Colo. Butler Butler and the Officers of the late Corps of
Rangers and Indian Department at Niagara,
Humbly Sheweth

“That your Lordship’s Memorialists having left their families and properties at the commencement of the late troubles in America, and served faithfully during the War, and now settled at Niagara, do humbly beg that your Lordship will be pleased to consider their services, and allow the Officers and non-commissioned Officers such additional quantity of lands as the 84th Regiment has received. And your Memorialists as in duty bound shall ever pray.

JOHN BUTLER, Lieut. Colo.
PETER TEN BROECK, Capt.
ANDREW BRADT, Capt.
JACOB BALL, Lieut.
THOS. BALL, Lieut.”

Order on the fore- The Opinion of the Board being de-
going Petitions. sired by his Lordship, the Council concurred
with his Lordship in granting the prayer of
the Petition and Memorial in favor of all
such Officers as have improved the lands already granted to them
as reduced Officers since the Peace of 1783.

And it is referred to the Surveyor General or Deputy Surveyor General to make return of the locations of the Petitioners; and he is directed to give them Certificates thereon under his hand as further Testimonials of the faith of Government for issuing the Patents pursuant to His Majesty’s Instructions, if they shall apply for their several locations in the course of one year to be computed from the first day of May next.

But it is to be understood that deductions are to be made of all such Tracts as have been already granted to any of the Objects of this Order, that upon the whole they may receive equivalents with the Corps of the 84th Regiment.

(P. 44).

| | |
|-----------------|--|
| Richard Beasely | Richard Beasely and Peter Smyth |
| & | Loyalists pray for Land at Toronto and at |
| Peter Smyth | <i>Pemitisientiank</i> a place on the north side |
| | of Lake Ontario, having already built a |
| | House at each of those places; and they |
| | petition for as many acres round each, as is the usual allowance |
| | to make to Loyalists. |

As it is proposed by your Lordship to lay a Town out at Toronto, the Committee cannot recommend a Grant of Land round the House which the petitioners have built there, lest that grant might interfere with the intended plan, but if it is your Excellency's pleasure, to settle the north side of Lake Ontario at present, the Committee perceive not any objection to the Petitioners having land round the House they built at *Pemitisientiank* in such portion as your Lordship may think fit to allow.

(p. 52-3.)

| | |
|---------------------|--|
| The Widow Mur- | The Widow Murray relict of the late |
| ray (of Lieut. Dun- | Lieut. Duncan Murray of the 84th Regi- |
| can Murray.) | ment sets forth that she was left without the |
| | means of supporting herself and Children, |
| | and prays, that if your Lordship regarding |
| | her Husband's services as in any degree meritorious, should see |
| | her forlorn condition with your Excellency's wonted benevolence, |
| | she would most humbly solicit a grant of 400 Acres of land she |
| | has taken up near the banks of the twelve mile Creek in Town- |
| | ship No. 2 of the Northern District of Niagara, for herself and |
| | two Children. |

The Committee have understood that the Petitioner's husband Lieut. Murray was an active Magistrate and a useful Member of Society and that his widow was left in a distressed condition with three Children. If it is your Lordship's pleasure to favor the Widow Murray with a Grant of Lands for herself and Children they see no objection to her holding the tract she prays for.

(p. 57.)

MEMORIAL OF RICHARD BEASELY AND PETER SMITH.

To His Excellency the right Honourable Guy Lord Dorchester, Governor General & Commander in Chief of his Majesty's Forces in British America, &c., &c., &c.

The memorial of Richard Beasley & Peter Smith most humbly sheweth:

That your Lordships memorialists did in the Year 83 erect a House at Toranto River & Another at Pomitiscutiank on the North side of Lake Ontario for the purpose of Carrying on the Indian trade, since which time they have been constant Residents at these Places and have made considerable improvements your memorialists therefore humbly request that your Lordship will be pleased to allow them to Retain these improvements together with such portion of Land adjoining as they may be intitled to in common with other Loyalists and your Lordships memorialist as in duty bound shall ever pray—

RICHARD BEASLEY for
himself & PETER SMITH.

Kingstown 24th August. 1788.

Endorsed Richd. Beasley

Peter Smith

stating they have erected a house & made considerable improvements at Toronto & praying that they may be confirmed to them with a proportion of land.

Referred to the land committee by order of Lord Dorchester.

THOS. ASTON COFFIN

Read in Committee 27th

Sept. & entered on Minutes.

F.O.H.

MINUTES OF EXECUTIVE COUNCIL OF QUEBEC.

22nd October, 1788.

Read a Letter from Messrs. Butler & Hamilton Judges of the District of Nassau.

Ordered that Commissions issue Constituting Benjamin Pawling, Peter Tenbrock and Nathaniel Petit to be severally Judges of the Common Pleas of the said District in addition to those already appointed, and revoking the Commission to Jesse Pawling as a mistake, and that a Commission issue appointing Him one of the Coroners of the sd District.

J. WILLIAMS

(State Records).

Dorchester took care to report the action of the Executive Council in augmenting the grants of land to the officers and other ranks of the disbanded loyalists to the colonial office and at the same time recommended the total abolition of quit rents or their reduction to a nominal sum to be applied in aid of the provincial revenue. This would remove one of the principal causes of dissatisfaction.

FROM LORD DORCHESTER TO LORD SYDNEY.

No. 92.

Quebec 6th November, 1788.

My Lord,

I inclose the minutes of the Council on matters of State, and the disposition of the Lands of the Crown, from the 24th July to the 22d October last.

Sir John Johnson and Lieutenant Colonel Butler having prayed in behalf of the Corps commanded by them during the last war, that they might be put upon an equal footing in regard to Grant's of Land, with the late 84th regiment, the Council concurred with me in thinking the demand just and expedient to be granted, in favour of all such persons as have improved the lands, already granted to them, as reduced officers since the peace of 1783.

And I shall recommend the same measures to the Lieutenant Governors of Nova Scotia and New Brunswick, being persuaded that all opportunities of unfavourable comparisons among the King's subjects themselves or with their foreign neighbours, should if possible, be taken away, as contrary to the interests of the Crown.

Upon this principle I cannot but express my wishes, that His Majesty may be graciously pleased to order a total abolition of all quitrent in His American Provinces, or a reduction of it to a mere trifle, from any quantity of lands not exceeding a thousand acres and that the whole of this fund be applied in aid of the provincial expenditures, as offered to the late Colonies during the revolt.

I beg leave to suggest the expediency of extending to the loyalists of every description the same indulgence, respecting the remission of Quit rents which has been granted to the late 84th regiment.

I am &c.

DORCHESTER.

The Right Honble Lord Sydney.

(Q. 39, pp. 51-2).

The Deputy Surveyor General presented a careful report on military posts, communication, and harbours on the lakes in which the observations of Colonel Gother Mann, commanding Royal Engineers, were embodied. The removal of the portage to west bank of the Niagara was then being contemplated at the termination of the existing contract.

EXTRACTS FROM THE REPORT OF JOHN COLLINS, DEPUTY
SURVEYOR GENERAL, TO LORD DORCHESTER.

Quebec 6th December, 1788.

My Lord,

The buildings of Navy Hall are for the most part in exceeding bad repair, and the wharf is in ruins. Of the Rangers' Barracks one pile has been so far dismantled as to be past re-establishing; one end indeed might perhaps with some fitting up be made to serve for some time as a blacksmith's shop to the Indian department, which they say is much wanted; the other pile is capable of being repaired and might also answer the temporary purpose of accommodating (at least in part) the said Department: Their storehouses, &c., on the Niagara side, as already observed being in absolute ruins and not repairable; the fitting up of this pile of building Would cost about £35.

In regard to the situation at Navy Hall, boats or vessels may be well sheltered there from rough weather, it is convenient for embarking & disembarking and equally safe and applicable to the purposes of transport as at Niagara vessels can also more readily and safely get under way from hence, when the wind is from the westward (which is fair to carry them down the Lake) than they can immediately from Niagara and this seems the most material advantage that Navy Hall possesses over Niagara; but the latter has rather a better command of the entrance of the River than can be had from any situation on this side; a good post might be constructed on the height above Navy Hall, and such as would afford protection to boats or vessels from any attempts of any enemy on this side of the River, but they could not be secure here from bombardment or covered from batteries of cannon on the other side.

The store house at the landing place which is of round log work is mostly rotten and is altogether in exceeding bad condition and should be rebuilt, the dwelling house is much out of repair. The ways, wharf, cradle, and capstan want some repairs, which may be done for about £20.

FORT ERIE.

The whole of Fort Erie is in so wretched a state and altogether so much in ruins that it is not easy to say which is the worst part of it. The picketting is altogether rotten and great part of it is gone and the front next the water which was a stone wall has been washed away by the encroachment of the Lake. The barracks by dint of patching and temporary repairs has been kept habitable, some further repairs of the same nature have been provided for against this winter. The storehouse is in so bad a state that it is almost past repairing, it must be entirely new shingled or rather if it can be got a bark covering is to be put on as the building is hardly worth the expence of new shingles.

The weather boarding and underpinning is scarce in a better condition but it may be made to do for another season. It seems doubtful whether the bake house can stand the winter, but the oven may be repaired; the wharf or landing place wants repair; this would have been better placed to the northward of the Fort where boats would have been much better sheltered.

I cannot recommend re-establishing or making any alterations to the present Fort as it appears to me to be improperly placed; the rising ground behind would I conceive be the proper situation, the Harbour is a tolerably good one, and altho' there is sometimes a considerable swell from the Lake, yet vessels may ride here in safety, taking proper precautions for preserving their cables as the bottom is rocky. There does not appear to me any other place equally eligible.

TRANSPORTATION.

Previous to making any Observations on the communication and Transport from the upper end of Lake Ontario to the lower end of Lake Erie it may not be improper to state in a few words the present mode of proceeding in that business.

From Niagara to the landing place below the Falls is about 7 miles and $\frac{1}{4}$, there is a tolerable good road, but the merchandize, stores, &c., are carried up the River in batteaux or vessells, there being sufficient depth of water all the way up, and also to lye along side the wharf to unload: beyond this place the current becomes too strong to proceed any further by water without great difficulty: Boats indeed but not vessels can go about half a mile higher, but no advantage can be obtained from it, as the shore then becomes impracticable, being a precipice of loose rock about three times as high as where the present landing is, from the wharf. At the Landing goods are drawn up the side of the bank about fifty feet high upon Ways on an easy slope by a capstan fixed on the top. From this place there is a waggon road to Fort Schlosser (1 mile and $\frac{1}{2}$ above the Falls) where the goods are again put into boats and carried up 18 miles to Fort Erie—from whence they are conveyed in vessels across Lake Erie to Detroit.

Plan C. I think a better situation A for a landing place might be chosen below the present one about half a mile distant by land and three quarters by water, the bank of the River here is not half the height of the other; the water is sufficiently deep at a short distance from the shore for vessels to unload and by raising a wharf and lowering some of the bank for a road, the labour and delay of hauling goods up by Ways as in the present practice would be avoided; it would also be much more convenient and expeditious for vessels to come up to, as the worst part of the navigation would be avoided, which is passing round a point between this place and the landing. The length of road to be made from this proposed landing place will be about half a Mile,

but it is mostly good ground and will not require much expence. The real length of land carriage, however to Fort Schlosser will not be encreased or at most more than 100 or 150 yards, owing to the greater detour which the road makes from the present landing. As the state of the buildings and appurtenances of the landing place are now so ruinous as to require little less to make them perfect than reconstructing, in case therefore it should be meant to make the business of the communication permanent on that side, it might then be an object worthy of consideration, whether it would not be more eligible to adopt the new situation here pointed out.

If on the other hand it should be thought expedient to carry on the communication on this side the River, then the landing place B. must be nearly opposite the present one, a very little below it where the bank of the shore is lower than at any other place, and seems in all respects the most convenient spot for the Purpose whether on this or on the other side of the River. There is good ground here for storehouses and other conveniences and it is close to the road leading thro' the settlements. The situation above the Falls to be chosen instead of Fort Schlosser ought I imagine to be the Chippeway Creek; it is indeed nearer the Falls than Fort Schlosser, and there is a very strong current passes it, but there is no difficulty (going along Shore) to get into the creek, and as there is still water, boats may lye there in great safety and such buildings as are requisite may be erected. The creek is about 80 yards across and has 7 or 8 feet depth of water; It would be necessary to have a bridge as likewise a good road; the first would not cost a great deal as there is a good bottom and no current; but the latter would be attended with some expence as the ground is very wet, to the distance of a mile and a half from each side of the creek, not however of such a nature as would not be readily improved by cutting down the trees to let in the air and sun and making a few drains. Both the road and the bridge are objects which the new settlers themselves must sooner or later be obliged to have for their own convenience, but whether their ideas in this respect might lead them to execute these works upon a scale sufficiently extensive and substantial to answer the purposes of Government and of the Transport, I cannot undertake to say. The length of land carriage on this side the River will be near three miles more than on the other, but the ascent of the hill from the then landing place below the Falls will not be so steep as on the other side, and I think the excess of the distance will be otherwise compensated by not having the River to cross as at present from Fort Schlosser: by the degree of security to be derived by having the whole transport carried on compleatly on one side of the River from Navy Hall to Fort Erie, and by having the assistance of the new settlers with their waggons and teams at hand in cases of exigence, an advantage not to be obtained conveniently, if at all, on the other

side. The current all the way to Fort Erie is very strong, and the business of getting up loaded boats is both laborious and tedious, but I should think the Transport above the Falls might be much improved if the bank of the River was sufficiently cleared to admit of the boats being dragged up by men or rather by horses as few hands would be necessary and they would get up much more expeditiously than at present. It may not I hope be thought inapplicable to the present subject of my Report to remark in general terms that it does not appear to me that any precautions taken on one side of the River for the security of this communication can insure its safety from annoyance by an enemy established on the other; that where any may be found in a particular situation on one side it will in general be counterbalanced by some one of equal importance on the other; that therefore under these circumstances the communication may be liable to be impeded or at least interrupted and rendered precarious, that is, should an advantage at any time shew itself in the hands of either side it must be derived from superiority of force rather than situation, otherwise being on equal terms the communication could never go on to any certainty but under a compromise between the two contending parties.

One important result of Dorchester's visit to Upper Canada was a decision to establish local boards for granting lands to incoming settlers. At the same time he recommended increased grants to persons, whom he considered particularly deserving of favor and encouragement.

EXTRACT FROM THE QUEBEC LAND BOOK.

Monday 29th December, 1788.

Present.

His Excellency the Right Honble Guy Lord Dorchester.

The Honble William Smith Esquire Chief Justice.

| | |
|-----------------|----------------------|
| Hugh Finlay | William Grant |
| Edward Harrison | Francis Baby |
| John Collins | George Davison |
| J. G. C. Delery | Chas. De La Naudiere |
| Henry Caldwell | Le Cte Dupré |

His Lordship informed the Council that Representations having been made to him on his late Visit to the Western Districts of delay and expence being occasioned to many Loyalists desirous of forming Settlements in the Upper Country, from the want of authority, on the Spot, for allotting Lands for them, he had therefore to remedy that inconvenience appointed the following Boards in the Districts of Mecklenburg, Luneburg, Montreal, and Nassau vizt.:

Lieut. Colonel Hunter or Officer Commanding.

| | | | |
|--------|---|----------|------------------------------|
| Nassau | { Lieut. Colo. Butler Peter Tenbrook Robert Hamilton Benjamin Pawling Nathaniel Petit } | Esquires | { or any three of them. } |
|--------|---|----------|------------------------------|

to examine into the Loyalty and character of all persons desirous to form immediate settlements in the said Districts, and on being satisfied thereon, and the Oath of Allegiance being first administered to them, to furnish every such person with an Order upon the Deputy Surveyor of the District for a Lot, giving them to understand that such further quantities would afterwards be added, as their merits might be found to entitle them to; And that the different deputy surveyors had, at the same time, been required to give every such person a certificate of location for a single lot, not to be considered valid however in case of the holder being found to have received lands elsewhere. And in order to prevent impositions in this respect, the several Boards had been directed to communicate to each other the names of all persons so examined and recommended by them respectively.

His Lordship suggested, at the same time, the expediency of a general revision of the Orders and Regulations given, and now in force, for the conduct of the Land Office; upon which it was ordered that Messrs. Smith, Finlay, Pownall, Caldwell and Grant be a Committee for that purpose, and that they report to his Lordship such a digest of Regulations for carrying on the services of that Department as they shall think advisable.

(Pp. 61-2.)

| | |
|-----------------|---|
| Neil McLean | His Lordship informed the Council that |
| Robert Hamilton | Applications had been made to him on |
| Nathaniel Petit | various grounds for further Grants of Lands |
| John Burch | by Messrs. Neil McLean, of Kingston in the |
| John Warren | District of Mecklenburgh; Robert Hamilton, |
| Philip Stedman | Nathaniel Petit, John Burch, John Warren, |
| | and Philip Stedman of Niagara in the District |
| | of Nassau; His Lordship therefore proposed |

to the Council that such quantities be allotted to them in addition to their present occupations, as to put them upon the whole in possession of Seven hundred Acres each. Upon which it was Ordered that the Surveyor General report Surveys accordingly of their several locations.

(P. 70.)

At the same session of the Council he nominated a large committee on inland navigation, which soon submitted a full report.

FIRST REPORT OF THE COMMITTEE OF THE EXECUTIVE COUNCIL OF THE PROVINCE OF QUEBEC ON
INLAND NAVIGATION.

1st Report of the Standing Committee nominated by your Lordship in Council on the 29th of December 1788 to bring information to the knowledge of Government concerning the Inland navigation and commerce to correspond with the Superintendants, Report Abstracts from time to time of their communications and returns, together with the Committees observations on the important matters suggested in Your Lordship's Order of Reference and other Consequential Duties.

| | | |
|----------------------|------------|----------------------------------|
| Present: | | Sir John Johnson Bart. |
| William Grant | } Esquires | Roc De St. Ours. |
| Francis Baby | | Samuel Holland Esqrs. Absent. |
| George Davison | | |
| Chas. De La Naudiere | | |
| Col. Dupré | | |

My Lord,

It appears by the Lists and Returns of the Superintendants appointed by Your Lordship for the Ports of Kingston (formerly Cataragui) Niagara, Fort Erie, Detroit, and Michilimakinac pursuant to the Act passed in the last Sessions of the Legislative Council Chap. 3d.

That there are at present four Registered Vessels belonging to those ports and navigating the Lakes as follows:

| | burthen | |
|------------------------------------|----------------------|---|
| | tons | men |
| Lake Ontario Lakes Huron & Erie | { | { |
| | | |
| | | |
| | | |
| | | |
| | Kingston to Oswego | The Schooner Good Intent Built at Fredericks- |
| | Quinti & Niagara | burgh in 1788..... |
| | Fort Erie to Detroit | The Sloop Saguina, Built at Saguina Bay in 1787 |
| | Michilimakinac & St. | The Sloop Esperance Do. Do. 1788..... |
| | Mary Falls | The Schooner Weezel Do. Detroit 1786..... |
| Total tonnage and men..... | | 87 15 men |

That on the 8th September the Good Intent cleared out at Kingston for Quinti bay—And again on the 24th from Kingston for Oswego.

But it does not appear by the Superintendants Reports what her outward Cargoes consisted of.

From Quinti she brought back to Kingston and entered Sept. 18th

1000 Feet Pine Boards
10 Barrels Pearl Ashes
1½ Tons of Hay.

That on the 20th of August The Saguina cleared out from Fort Erie for Detroit and carried:

11 cwt. Shot and Ball.
73 Casks wine & spirits the Gallons not ascertained.
123 Boxes, Cases, Bales, Trunks Dry Goods the value or Contents not ascertained.

207

And on the 21st Aug. the Esperance cleared from the same port and carried

1 cwt. Shot and Ball.
52 Casks Wine & Spirits the Gallons not known
32 Packages vix. Casks, Bales, &c. Dry Goods.

184

And on the 12th Sept. the Saguina again from the same port and Carried:

21 cwt. Shot and Ball.
138 Packages Dry Goods
78 Casks Wines & Spirits quantity and quality not reported.
60 Barrs Iron & Steel

Ball & Shot 33 cwt. 588 Packages of Liquids, Dry Goods &c. in all.

That the Saguina appears to have entered inwards at Detroit on the 5th Augt. from Fort Erie omitted by the Superintendent there in his Return. (Mr. Warren).

1 2880 Gallons of Spirits Casks not mentioned.
82 Bales, Trunks, Chests, Barrels, Dry Goods.

34 cwt.

That on the 19th Octr. The Weazel entered at Detroit 47 barrels Fish from St. Mary Falls.

| That on Sept. 12 the Weazel Cleared from Detroit for St. Mary Falls and Carried. | Fusils | Powder lbs. | Shot cwt. | Rum galls. | Flower cwt. | Indian Corn bush | |
|---|--------|----------------|--------------|---------------|----------------|------------------------|--|
| 12 | — | — | — | 16 | 52 | 213 | & 10 casks dry goods. The articles not specified. |

57 The Saguina for Michilimakinac
and carried..... 12 100 4 1365 91 — 101 Packages dry goods
Total Export to Michilimakinac..... 24 100 4 1381 143 213 111 Packages dry goods.

That from Detroit there were Exported to Fort Erie:

| | | |
|---------------------------------------|------------------|-----------------|
| On Board the Saguina Augt. 12th..... | 162 Packs. Furrs | 7 bbls. Ginsing |
| On Board the Esperance August 12..... | 100 Packs Furrs | — bbls. Ginsing |
| On Board the Saguina Sept. 2d..... | 56 Packs Furrs | 6 bbls. Ginsing |
| | — | — |
| | 318 | 13 |

But the Superintendent of Fort Erie Reports as

| | | |
|-------------------------|-----------------------|-------------------|
| Entered there only..... | 313 Packs Furrs | 13 bbls. Ginsing. |
| | — | |

The 5 Packs Furrs that appear to be missing were of the
Esperances Cargo.

What became of the Three Hundred and Thirteen Packages of Furs after their Entry at Fort Erie is not stated by the Superintendent.

The Committee presume they were transported from Fort Erie by Land to Niagara, from thence shipped on board some of His Majesty's Vessels for Kingston. And from Kingston brought to Montreal in Battoes or Canoes.

To bring that transport into more regular order and view and clearly to detect the Smuggling of Furs into the American States, it is submitted to your Lordship, whether His Majesty's ships carrying Furs and Merchandizes from port to port on the great Lakes ought not to enter and clear the same at the Superintendent's Office of the Port as Merchant Vessels are or may be by Law bound to do. And if it is your Excellency's desire to be informed of the quantity and quality of the different species of Furs and Merchandizes imported and Exported where Superintendants are Established it will be necessary that the Merchants be directed by a Law to be made, if other means do not occur to your Lordship's greater wisdom, to make regular entries of their Shipments enumerating the Articles specifically or such of them as shall be required after the manner usually practised at His Majesty's Custom Houses in the Sea port Towns.

The Committee do not perceive that much trouble or difficulty will arise to the Merchant in adopting a similar system. Without it there is not a possibility of Checking ascertaining or Estimating the valuable trade and Commerce carried on with the extensive and numerous Indian nations Inhabiting His Majesty's Dominions Westward of Montreal or of knowing the progress of the encreasing Commerce and agriculture in the new settlements of the numerous Loyalists daily establishing themselves under your Lordship's fostering care, upon the Wastes of the Crown bordering on the Lakes. And if it is your Lordship's wish completely to effect so useful a purpose, the Committee humbly suggest the necessity of appointing a Superintendent of Navigation at Montreal, or rather at La Chine. For tho no port for shipping can ever be at the latter, yet the Canoes and Battoes, or Vessels in which the Exportation and Importation of the Western Country is carried on, may be said to sail from, and arrive at La Chine.

The Superintendent of Fort Erie is of opinion that the quantity and the quality of liquor contained in each Cask should be marked on the head thereof. It will not be necessary in the opinion of the Committee to give the Merchant that Trouble if the following method of entering Goods at the Superintendent's Office was adopted.

PORT OF KINGSTON (OUTWARDS)

Form of the entry for Kingston or other ports on the Lakes for Goods of British Manufacture, or others which have been legally imported by sea or are of the growth of the Province.

A.B. Enters to be Shipp'd on board the
Capt. bound for Niagara (or other
port) consigned to to be forwarded
to at Fort Erie, thence to
Merchant in Detroit.
viz. The following Articles
Mark No.

C

| | |
|--|---------------------------------------|
| 1 to 20 Cases Indian Fusils containing..... | 250 in all. |
| 20 to 40 2K Barrels Gunpowder | 20 cwt. |
| 40 to 60 20 Casks Ball..... | 40 cwt. |
| 60 to 80 20 Do. Shot..... | 40 cwt. |
| 80 to 100 20 Barrels Rum & other Spirits..... | 600 Gallons |
| 100 to 110— 5 Pipes Madeira 5 Pipes Port Wine about 1,150 Galls. | |
| 110 to 120— 5 Quarter Casks Madeira 5 Qr. Casks Port Wine about 300 Galls. | |
| 120 to 125— 5 Chests Bohea Tea Weighing 1,000 lbs. | |
| 125 to 130— 5 Do. Green & Hyson Do. 500 lbs. | |
| 130 to 140— 10 Bales Dry Goods Containing 20 pieces Strouds | |
| | 20 pieces Mortons & Frizes |
| | 20 pieces other Woolens |
| | 500 Blankets |
| | 100 pieces Linens of different kinds. |
| 140 to 150 — 10 Trunks, cases & Casks Containing various articles viz. Hardware, Crockery, Millinary, Hosiery, &c. | |

| | |
|-----------------------------------|------------------|
| 100 Barrels Flour Cont'g 200 Cwt. | } or thereabouts |
| 50 Barrels Pork—100 Cwt. | |

Amounting in the whole to the sum of Five Thousand one hundred and five pounds as pr Invoice.

Which entry, contents and value the said A.B. for himself and as Agent for Messrs. of Montreal affirmed on his oath to be just and true, and that the same and every part and parcell thereof have been legally imported are of the growth of the Province to the best of his the Deponent's knowledge and belief. 1789.

A.B.

Sworn before me
(Signed) William Mackay
Superintendant Navigation.

| | | |
|--|--------------|--|
| | PORT DETROIT | (OUTWARDS) |
| Form of the Entry at Detroit, Michilmakinac or other Port for Beavers & Furrs or other ar- ticles which must be exported to Britain. | { | A.B. Enters to be Shipped on Board the |
| | | Capt. |
| | | to be forwarded to Niagara and reshipp'd |
| | | for Kingston thence to Messrs. |
| | { | Merchants in Montreal (or Quebec) The following Packages of Furrs, |

| | | |
|-------|------------------------------------|-------------------------------|
| | Peltries and Beaver: | |
| Viz.: | 50 Packs Beaver Skins Containing | 3000 skins or Weight 5000 ps. |
| | 50 Packs Indian Dressed Deer Skins | 2000 skins or Weight 6000 ps. |
| | 50 Pack Bear skins | 1000 skins |
| Mark | 10 Do. Raccoon skins | 2500 Do. |
| | 10 Do. Deer in the hair | 200 Do. |
| | 10 Casks Containing together | 200 Otters |

1000 Martins
 100 Cased Cats
 100 other Cats
 500 Musquash

or other Furrs specifying them.

10 Casks Ginseng.....300 lbs.
 2 Do. Castoreum.....200 lbs.
 2 Barrels Potash, 2 Pearl Ash, &c. &c.

Which Entry and Destination the said A.B. for himself and as Agent to
 his Oath to be true and exact to the best of his knowledge, information and belief.
 Sworn at Detroit this day of
 MacGregor,

Affirmed upon,
 1789 before me Gregor

Superintendent Navig'n.

(Signed) A. B.

The Committee are of opinion that the Superintendants ought not to permit any Merchandise, Furrs or Effects to be shipped until the Owner or his Agent has made entry thereof as above or as nearly Correspondent thereunto as Commercial business and the Conduct of it will admit, in the respective parts of the Inland Navigation.

The Packages, Quantities and Qualities so ascertained together with the Masters Manifest of his Cargo which is also upon *his* Oath will enable the Superintendants to execute the trusts reposed in them, and perfect their Quarterly and annual Lists and Returns agreeable to Your Lordships Instructions and the Laws of the Province made and provided.

The inconveniences represented by Mr. McGill, Mr. McGregor and Major Close in the Extracts of their Letters before the Committee, respecting affidavits, Bonds and Registers for Vessels built upon the Lakes owned by persons resident at Montreal or Quebec, may be obviated without any Amendment of the late Law of the Province whenever it shall please Your Lordship to Commission Superintendants for those Ports. The Papers and Documents required by the Law for the security of the Crown and the Subject may be entered into and obtained at Offices there; and the Registers so taken out may be transmitted by the Merchant to his Agent or Correspondent where the Vessel for which it is intended is building or has been built.

The Committee at present have further but to remark that the Superintendant of Detroit in his Letter of the 1st of Novem'r informs Your Lordship that six new vessels will then be in the Register of that Port in the course of the present year. Therefore he requests the additional supply of the necessary Documents devised by Your Lordship for the Government of the Inland Marine.

The discernment of that strength and of those Commercial advantages which are added to His Majesty's American Dominions by the Navies arising on his Inland Canadian Seas, was reserved for Your Lordship's profound and penetrating wisdom.

To establish the Empire of the British Flag upon the Fresh water Oceans of the new World and under that powerful protection to send freedom light and Commerce to its remotest parts, was reserved for the 28th year of the illustrious Reign of His sacred Majesty King George the Third.

To aid and assist in so glorious a pursuit must be the wish and desire of every Briton.

That this Committee should be most anxiously ardent needs no illustration or assurance. Its duty, preservation, and Interests being so obviously combined with those of the Province at large.

The Committee will soon have the honor of laying before Your Lordship the Journal of their Entries and proceedings and

with your Excellency's approbation will prepare fair copies thereof to be transmitted to the Right Honourable the Lords Commissioners of His Majesty's Treasury and to the Honourable the Commissioners of His Majesty's Customs. Those Boards may be inclined to give Lights upon the important business of Revenue and Navigation which this Committee presume not to foresee.

All which is nevertheless most humbly submitted to Your Lordship.

(Signed) By order of the Committee.

WILLIAM GRANT,
Chairman.

Council Chamber
Quebec, 19th Jany. 1789.

The presentation of this report was followed by the immediate appointment of Sir John Johnson as superintendent of inland navigation at Montreal and of William Grant, the chairman of the committee and a leading merchant, to the same office at the port of Quebec.

THE QUEBEC GAZETTE.

Thursday, January 29, 1789.

The Honorable Sir John Johnson Bart has accepted the office of Superintendant of the inland navigation at Montreal, for the registry of vessels navigating the Western Lakes, leaving the emoluments established by law to the Superintendants of the ports upon the Lakes at which the vessels so registered may make their first entry. We have already informed our readers that the Honorable William Grant, Esq.; has accepted the office of Superintendant at Quebec in the same manner, and that the object of these appointments is the accommodation of the owners residing in the lower parts of the province.

FROM JOHN COLLINS TO PHILIP R. FREY.

Quebec, 20th January, 1789.

Sir,

I have before me your favour of the 18th October, accompanied by a plan of the settlement of Niagara, for which please accept of my thanks.

I am now to request that you send me a plan of all your Settlement as it is layed out, in townships upon a Scale of thirty-eight chains to an inch which is the scale of all our new townships and please insert each proprietor's name in his lot that it may stand on record in our office. The plan you sent me was on too small a scale. I inclose you the Minutes of Council respecting

Colonel Butler's Corps. Please send me a Return of such officers as come within the meaning of the said Order that I may give you directions for laying out their lands agreeable to the said Order. I have paid your drafts to Mr. Lester, £56.10 Sterling and gave him the full ballance of your accounts £62.12. 6 currency, when you are employed charge 7/6 currency per day, we have no such charge in our accounts as Army Pay. If Mr. Smith, the gentleman you mentioned at Detroit, can come down to this place he shall be appointed the Deputy Surveyor of that District, otherwise it cannot be done, as it is contrary to the Ordinance of the Province. Please let him know it. I wish you health and am &c.

JOHN COLLINS.

Philip Frey, Esqr.

(District of Nassau, Letter Book No. 5, p. 21.)

The committee on inland navigation continued its inquiries and presented a second report embodying the result.

REPORT OF COMMITTEE ON INLAND NAVIGATION.

2nd Report and Proceedings of the standing Committee for Inland Navigation and Commerce.

Council Chamber 9th February 1789.

The Committee in Town met on the summons of the Chairman.

Present:

William Grant

Francis Baby

George Davison

Col. Dupré—Esquires.

The Chairman laid the Journal of the proceedings fair copied before the Committee which was approved. And then informed,

That he had forwarded their Letters therein recorded, as Commanded to the Superintendants also *that* to Mons. De St. Ours and Sir John Johnson,—and on the 19th of January the day of the date of their 1st Report he had delivered it to His Excellency Lord Dorchester.

That he had reason to be of opinion it had in general His Lordship's approbation as it had pleased His Excellency to have it read in Council and inserted in the Minutes.

His Lordship had since commissioned Superintendants of Navigation for Montreal and Quebec, in order to accomodate Owners of Vessels built upon the Lakes with the necessary papers required by the Law for effectuating the preservation of the Revenue, and the private and public interests of the Province.

That his Lordship had further been pleased to order the Commanders of His Majesty's ships upon the Lakes, to enter at

the Superintendant's Office of the Ports they sailed from, all Goods and Merchandizes shipp'd on board for transport other than His Majesty's stores and warlike equipments for the support of His Majesty's Garrisons in the Western Country.

His Lordship had likewise shewn his great attention to the interests of the Merchants in ordering the Transport of their effects in His Majesty's ships according to their priority of entry at the Superintendant's Office of the respective Ports of Embarkation: corresponding to the wishes of some of the principal Shippers signified to the Chairman by James McGill Esqr. of Montreal in the following letters and papers intituled "Remarks on the Inland Navigation Ordinance" in answer to the following private letter written to him by the Chairman on the 8th of January last.

Quebec 8th January 1789.

To James McGill, Esqr.
Merch't Montreal.

Dear Sir,

I requested Mr. Todd to speak to you and some other of your Gentlemen concerned in the Trade and Shipping of the Lakes and Western Country, to give me such information as you think necessary to bring forward to amend the late Laws or make new ones. I am a Member of one Committee and Chairman of another in some degree charged by My Lord Dorchester with the Representation of such regulations as may tend to benefit the Merchant and the Seamen (if I may use that appellation for fresh water Navigation) and facilitate Trade, Intercourse and safety in the great and prospering settlements and Countries extending to the Mer du Ouest.

Do me the favour therefore freely to communicate your sentiments from time to time on these interesting subjects and I pledge myself to do everything in my power to support and bring forward the wishes of the Merchants and lay them open to a Government inclined to facilitate all well digested and liberal Commercial undertakings.

The Committee of which I am Chairman is likely to be permanent, at least it will certainly continue some time; and I shall be happy in being instrumental to beneficial improvements in the Marine and Commerce, on which the prosperity of the Province so evidently depends.

I am Dear Sir, &c.,

WILLIAM GRANT.

To William Grant Esqr.,
Quebec.

Montreal, 12th Jany. 1789.

Dear Sir,

I have received the favour of your letter of the 8th and consider myself as well as the other Merchants concerned in the Trade by the Lakes much obliged by the zealous part you propose to take in amending the Ordinance which regulates the Inland Navigation.

I shall with much cheerfulness give you every information in my power on the subject and I propose by next ordinary to transmit you some remarks on the present Inland Navigation Act, with much esteem,

I have the honour to be &c.,

JAMES MCGILL.

Montreal 19th January, 1789.

Dear Sir,

I was prevented from sending you remarks on the Inland Navigation Ordinance last Thursday by the non-attendance in time of some *Persons* whom it concerned to peruse them. I now embrace the opportunity of Mr. Dunn's returning to Quebec in order to forward those remarks and shall esteem myself happy if they meet your approbation and that they contribute in any degree to unshackle the Trade by the Lakes which being at best hazardous and for several years past very unprofitable requires every facility that Govern't can extend to it. Everybody is fully convinced of Lord Dorchester's desire to protect and encourage the commerce of the Province. No person therefore can doubt of his adopting measures for that purpose the moment that he has proper information to go upon, and I think that there is good reason to hope that the amendments or alterations proposed for the Inland Navigation will not be rejected.

I am, &c.,

JAMES MCGILL.

REMARKS ON THE INLAND NAVIGATION ORDINANCE.

Section 1st may stand.

Section II Cannot be complied with on the part of the Chief Navigation which we suppose to mean the Master of the Vessel, because he can only know the person or persons from whom he receives the Goods, but others may be the Proprietors.

Goods are forwarded from Montreal to Agents at Kingston, thence to Agents at Niagara, and if for Mackinac to Agents at Detroit and except the Correspondent at Montreal and the Trader at Makinac none of the intermediate Agents know the true proprietor, all therefore that ought to be required from the Captain is a Manifest upon Oath of the Marks, numbers and kind of packages which compose his cargo, for as to the contents

of the Packages it is impossible for the Captain to know them, besides was it ever heard of that a Merchant should inform the Master of every article Contained in his Packages?

By this section it would seem to be understood that the Owners of Private Vessels on the Lakes have their usual residence at the Posts; but this is not generally the case, for there are Owners of Vessels at Montreal, and hereafter there may be many more, who do not even visit the Posts; yet as the Naval Officers at these Posts have alone a power of administering an oath to the persons concerned in the Vessels it is become necessary that such Persons go to the Posts for the purpose of taking the Oath or that some person residing in Montreal be Empowered to administer the same, and certify it to the proper Officers above, we think the last mode must appear most reasonable.

Section III Appears most unjust, in as much as it punishes with severity the innocent and acquits the Guilty. The seizure of the Vessel and Cargo if the requisite Documents are not found on board amounts almost to a total prohibition of Merchant Vessels as we shall shew hereafter. But first as to punishing the innocent and acquitting the Guilty, I would ask whether the Master of a Vessel can be Constrained to sail without his Documents? The answer must certainly be no, in such case then, he alone can be culpable if he has them not, yet no penalty is inflicted on him for his negligence, collusive villainy or other cause whilst the Merchants Goods on freight and the Owners Vessels are both subject to Confiscation. Here then it appears that both the Proprietors of Goods and the Owners Vessels are subject from the neglect or design of the Master of the Vessel to ruin, whilst he goes free, and perhaps may himself be collusively concerned in making the seizure.

That this section amounts nearly to a Prohibition, let it be remembered that the Proprietor of the Goods and Owner of the Vessels are very different Persons. The proprietor of the Goods knowing that for a fault in the Master his Goods may be seized, will naturally require security of the Owner of the Vessel against all barratry of the Master because no insurance can be obtained in this Country, and it is very evident that if the Owner agrees to it he will require at least a double freight, a charge the Trade Cannot support, but what is more likely to be the case is that the Owner will on no Account accord such security, in either of which cases his Vessel is likely to remain unemployed unless he has goods of his own sufficient to load and re-load her, yet of this resource he is partly debarred because he is obliged to load in rotation all Goods offered. From all which we think that such Packages only as are found on board unentered ought to be Subject to confiscation, and as to the want of Documents that the Master alone ought to be mulct if he has them not. And with respect to the seizure of the Vessel we apprehend that in no

case ought she to be subject to it, unless found to be or proven to have been carrying on an illicit trade.

Section IV May remain.

Section V. Wherever the Owners reside the security should be taken at the same time with the Oath spoken of in Sect. II.

Section VI. Very proper.

Section VII. May remain.

Section VIII. Very proper but seems confined to the removing of incumbrances which were in the River before July last, without making provisions against future nuisances.

Section IX. May remain.

Section X. Very just and right.

Section XI. Concerning the Men. This section is supposed to allude to the Canoe and Batoe men only, but if understood to extend to Sailors on the Lakes it is very proper.

Section XII. Very right.

Section XIII. This clause can never be dangerous whilst the King favours the Province with Lord Dorchester as Chief Governor.

Section XIV. In this article there is nothing mutual or reciprocal as should be the case in every contract. If Owners of Vessels are bound to take the Goods of others on board their Vessels in Rotation, The proprietors of Goods ought in like manner to be bound to Ship on board the first Vessel which offers; but a more equitable and just mode is to allow the Owner of the Vessel to make the most of her agreeable to the other Rules. Besides if even the obligation to carry for others is continued, it ought surely to be in the power of the Montreal Correspondent being owner of a Vessel or his Agent to put on Board such goods as go from him to his Correspondent at the Posts in same manner as if the Goods were his own and this is the more reasonable as the Merchants of Montreal are the most likely to be the Owners of the Vessels; whilst the upper Country Traders are the Purchasers of the Goods and very few of them can have Interest in the Vessels.

Another circumstance occurs in order to Goods being forwarded in due Rotation, there ought to be one Public Agent for the Merchants at each Post and all Goods should go through his hands but as this subjects Proprietors to a Choice probably against their will, it would in such cases be one of the most arbitrary measures ever heard of; yet without such Public Agent such Rotation cannot be just. For example at Detroit six Merchants who have Packs of Peltries to send down say they have each one hundred Packs, The Vessel to take them on board can only stow four hundred therefore each must keep back a part; but one of them, knowing this circumstance craftily makes his number greater and by such means get all his Peltries on board

to the prejudice of the fair Trader. The same means may be used in forwarding Goods, for who is to go and search Houses or Stores to know whether the list given in by each Trader is just and exact? Let it further be considered that as intercourse increases between the different Settlements the Competition for Rotation Transport will become so numerous as to render the measure a perfect burthen to the Owner and Master of the Vessel. It is proper further to Remark, That the Sloop Beaver belonging to the N.W. Comp'y was built at Detroit by permission of General Haldimand in 1785, a time when the policy of Government did not admit of any other private vessel to navigate on the Lakes; he being fully convinced from the Representation of the Company that they could not carry on their Trade without a Vessel to Transport a regular supply of Provisions from Fort Erie, the settlement of Detroit and Michilimackinac to St. Mary's for upwards of seven hundred men that they employ during the summer Months, this vessel is so small that they are frequently under a necessity of employing Boats at a very great expence to assist in transporting their Provisions, and was the Beaver subjected to carry in rotation for other people, it would greatly distress her Owners and defeat their purposes in building her.

It is proper to remark that as there is but one Merchant Vessel on Lake Ontario, it may be requisite for the facilitating of Transport that the Kings vessels continue to carry for the Merchants, and with respect to transport on board *of them*, rotation is just and equitable for which purpose the Proprietors of Goods intending to benefit thereby, should give in a list of their packages to the Officers appointed for clearing out the Merchants Vessels, as to such list and entry, recourse could be had to ascertain the Rotation.

Lastly it is submitted to the justice & wisdom of the Legislature whether in the event of the Merchants vessels being stopp'd or employed by Govern't there should not be a provision made in the Ordinance to compensate the Owners.

Montreal 19th January, 1789.

The Chairman then requested the Committee to consider well the objections of the Merchants to the late Navigation Act, how far they were already remedied, and whether there was ground for applying to His Lordship, or the Legislature, for further relief or Amendment of the late law.

He observed,

That the public benefit, the preservation of the Revenue, and the Establishment of the Navigation of the Lakes on principles of defence, as well as Commerce, were involved in the Questions which came under consideration in the discussion of the Remarks of the Merchants. He would therefore take the

opinion of the Committee upon the objections in the order observed in the "Remarks".

He further observed,

That the late Provincial Navigation Act could not be expected to foresee or provide for all situations and cases which extended commerce would produce; but the many wise maxims, rules and regulations, established through Ages, and founded on their experience, which now governed the maritime state of England and which had elevated that great Nation to its present superlative height of Naval grandeur had amply foreseen almost every possible event.

The European nations had universally adopted the Laws of King Richard the first, compiled at the Island of Orleron, while that Monarch was on his way to the Holy Land in the 12th Century and had raised their Maritime superstructures upon them.

The navigation of the old World was then more in its infancy than is now, that, of our Inland seas. An equal number of years most assuredly would proportionally cover our great waters with numberless ships, if in wisdom we followed up and encouraged the population and settlement of the fertile Countries in the Wilderness which surround them; and if we build upon the solid and liberal foundation laid by the noble projector and Patron of the Canadian inland navigation and Commerce.

The Committee has had before it the returns of the Merchant Ships Navigating the Lakes and the Superintendants & Merchants agree in the probability of their rapid increase.

The Royal Navy in that Quarter already consists of seven stout ships of different strengths and Portage. To which may be added four more in the harbour of St. Johns at the entrance and for the defence of Lake Champlain. That of England in the days of Elizabeth, consisted but of Thirty and was then as now the boast and glory of the Nation!

Would it not therefore be equally adviseable to introduce the whole Maritime code with the Articles which Governed the Royal Navy the 22d Geo. 2d Chap. 33?

It becomes a question of serious deliberation, whether it would not be wise to recommend to His Lordship that the carriage of Merchants' effects in His Majesty's ships should cease in some short period of years. Ships of War laden with Stores and Merchandise cannot be so proper for defence or attack as Ships wholly devoted to that service nor will the Officers or Commanders of such Ships be looked upon with that degree of respect which Gentlemen should be who are honoured with His Majesty's Commission to hold power and Command, and the Instruments of Dominion over the Persons and lives of His subjects. Moreover while His Majesty's ships continue the carriers, the Nursery

for their support will not be so productive, or so ready at hand, when pressing occasions occur, as if encouragement is given to the breeding of Seamen in the Merchants service on the Western Lakes.

The sum of about fifteen hundred pounds drawn annually into the Royal Treasury from that Carriage, is not an object when compared with the disgrace of the Loss of a single Ship.

If it is fact that the Western Country takes off already two hundred thousand pounds chiefly Merchandise of British Manufacture, in the circulation of the million employed in the general trade of the Province what must be the consumption of that increased population, which we have reason soon to expect? What the number of men employed in an Inland Navigation and Transport of one Thousand eight hundred miles? for such is the stretch of our Navigation from Oswegatche to the extremity of Lake Superior!

The spirit of enterprise which animates our Merchants has within these few years carried discovery and commerce three thousand miles further Westward! and have we not reason to expect that the same spirit will lead us on the Seas and discoveries of the Adventurous book?

The great channel of the Mississippi opens to our Southerly view and Eastward from thence, the redemption of those unfortunate Millions, who but lately made a part of the British Empire.

Such a field for speculation, among Barbarous nations without number, whose returns in valuable Furrs are equal to their inordinate desires for British Commodities, is worthy the consideration of a Mercantile people. More especially of the Inhabitants of this extensive Country (by the Providence of God the Natural Monopolizers of the Furr Trade of the whole Globe) whose productions and resources require liberal enterprize, to fit and bring them into the European Market.

The Chairman then read the Remarks of the Merchants on the late Ordinance by Paragraphs.

On Section 2d.—It was resolved, as the opinion of the Committee, that the Law requires no more of the Master of the Vessel than a manifest upon oath of the general contents of his Cargo, such as every Master knows from his Cockets and Bills of lading.

The Shipper of the Goods is the Proprietor as to the Master And an entry will by the Proprietor or his Agent, at the Superintendants Office, will obviate every difficulty it is in the power of the Merchant of Montreal, to enable his Agent to make such entry, at any Port through which his effects are to pass, and he will be blameable if he does not facilitate.

The difficulty suggested touching Registers, Bonds & Certificates is obviated by His Lordships appointment of Superintendants.

On Section 3d.—Resolved as the opinion of this Committee That in order on the one hand to guard against the evil doings of the Ship Masters and their crews; and on the other that Justice may be done them by the Merchants in all maritime cases.

That it is adviseable by an Act of the Legislature to introduce the Maritime Laws of England to govern all causes arising in the Inland Navigation of Quebec.

Resolved also—that there is ground for desiring an amendment of this Section of the Ordinance, in as much as the whole Cargo is subject to condemnation for the neglect or the designed fraud of the Master departing without legal documents.

In the opinion of the Committee, it will be sufficient that the Ship, and such part of the Cargo as is not entered at the Superintendant's Office be subject to a forfeiture, upon proof of illicit designs.

The Marine Laws of England punish as Thieves or Pirates Masters and Crews who run away with Vessels—And going off without Documents is either evincive of Theft and Piracy or of fraudulent intentions against the Revenue.

The Committee will therefore prepare a Bill to amend this Section of the late Ordinance and lay it before the Legislative Council at its ensuing Session.

The Remarks on Sect. 5th is remedied, in the opinion of the Committee by the appointment of Superintendents.

On Section 8th—Resolved as the opinion that the Offence of felling Trees into the River to impede Navigation is at all times punishable by this Section.

Section 11th.—Resolved in the opinion of the Committee that this Section does extend to Sailors, and all other Navigating on the great Rivers and Lakes on the Commerce of the Western Country.

On Section 14th—It is observed that the Rotation complained of in the "Remarks" concerning shipments in Merchant Vessels, is only Recommendatory of a mode which it was thought would be well in the Owners of Vessels to adopt, not inflictive of any penalty when uncomplied with.

Ordered that these Resolves, with his Lordship's leave be forthwith communicated to the Merchants of Montreal.

The Chairman then informed the Committee.

That from information he had from Mr. Dunn, the late Paymaster of the Marine Department, and otherwise—He understood the amount of the Freight of Merchants effects across the Lakes in His Majesty's ships from August 1777 to December 1783, came to £23,505.13.7 Currency.

That only £9,096.14.7 of that sum came into his hands as Treasurer.

That many of the persons from whom Freight notes had been taken had become Bankrupts, and that others from various causes, now under the Investigation of a Board of Trustees agreeable to the late Ordinance Intituled "An Act or Ordinance for the easy settlement and recovery of the Crown Debts incurred on the Commercial transportation over the Interior Lakes" had retained the amount in their hands to answer the Damage sustained in the carriage of their effects.

To prevent similar difficulties in future and render that fund more productive, while it pleased Government to allow His Majesty's Ships to be Carriers, would it not be adviseable to recommend to His Lordship to order the Superintendants to take the Freight notes, assisted by the Commanders of His Majesty's ships and transmit the same to the Deputy Pay Master General of Quebec or Montreal, or such other person as His Lordship might think proper to appoint there or elsewhere to receive the immediate payment?

His Excellency had given orders to the Captains to make entries with the Superintendants, and Manifest of their Cargoes, as Merchant Ships—by which undue preferences in the Transport would be avoided.

These and their Bills of Lading, would ascertain the exact freights to be paid, and would be more effectual than the old non-productive course, being thus taken by the Superintendants assisted by the Captains whose Duty it was to admeasure, estimate, and check the Packages Shipped—

The Question being put thereon by the Chairman.

It was also unanimously resolved that Recommendation be made to His Lordship accordingly, and that the proceedings of this Committee be laid before His Excellency as soon as engrossed.

Adjourned to meet again on Wednesday at 10 O'clock to examine the Engrossed copy and deliberate further if requisite.

Wednesday 11th February 1789.

The Committee met according to adjournment.

Present:

William Grant

Francis Baby

Charles De La Naudiere

Col. Dupré—Esquires.

The Chairman informed the Committee that George Davison, Esquire, Member of the Committee, had requested for further consideration, the paper entitled "Remarks on the Inland Navigation Ordinance," together with the Suggestions observations and Resolves of the Committee thereon, For which reason the Chairman had not been able to engross the whole, Mr. Davison having only returned them at 8 o'clock last Evening with

a verbal message "That he was obliged to go to the Country, and could not attend the Committee this Morning as notified.

Mr. De La Naudiere having been absent at the last meeting The proceedings of that day were again read at length in both languages.

Upon deliberation, he acquiesced to the same.

It was then unanimously ordered, that the Chairman sign the fair Copy when finished, of the proceedings and resolves of the 9th Instant, and of this day, and Report the same to Your Excellency.

All which nevertheless is most humbly submitted.

By order of the Committee.

WILLIAM GRANT, Chairman.

(Q. 41-1, pp. 189-207).

The appointment of district land boards was duly announced by advertisement in the Gazette.

THE QUEBEC GAZETTE.

Thursday, April 2, 1789.

All Persons desirous of forming settlement on the waste Lands of the Crown are informed that His Excellency the Governor has been pleased to appoint Boards in different parts of the Province to receive, examine into, and to report to him, their application, (which are to be by petition to the Governor in Council, stating the quantity and situation of the lands prayed for, and the merits and pretensions of the petitioners) with authority to give every petitioner, they shall approve of, a certificate directed to the acting Surveyor of the District, for which they are constituted, upon presentment of which the holder will be put in immediate possession of a lot of about two hundred acres.

SCHEDULE OF THE BOARDS ABOVE ALLUDED TO.

DISTRICT OF MONTREAL

Sir John Johnson, Bart.
Lieutenant Colonel Harris,
60th Regt., or
Officer Command- { or any
ing at Montreal, { three
 { of
 { them.
William Dummer Powell Esq
— Rankin, Esq.
Mr. Abraham Pastorius, Esq.

DISTRICT OF NASSAU.

Lieutenant Colonel Hunter, or
Officer Commanding.
Lieut. Colonel John Butler,
Peter Tenbrook.
Robert Hamilton { Esqrs.
Benjamin Pawling {
Nathaniel Petit {
 or any three of them.

DISTRICT OF LUNEBURG

Richard Duncan
John M'Donnell
Jeremiah French
Justus Sherwood
James Gray
John Munro.

} Esqrs.

or any three of them.

DISTRICT OF HESSE

Major Close, or
Officer Commanding
at Detroit
Wm. Dummer Powell
Duperon Baby,
Alexander M'Kee
William Robertson
Alexander Grant
St. Martin Adhemar

} Esqrs.

or any three of them.

DISTRICT OF MECKLENBURG.

Revd. Mr. John Stuart.
Neil M'Lean.
James Clark
Richard Cartwright,
and Jr.
The Officer Commanding,
for the time being.

} Esqrs.

or any three of them.

DISTRICT OF GASPE

Nicholas Cox, Esqr. Lieut.
Governor.
Felix O'Hara.
Charles Robin,
Daniel M'Pherson
Fras. B. DeLafontaine
Pierre Loubert
Henry Rimposs
Isaac Mann.

} Esqrs.

or any three of them.
Lieut. Govr. Cox being one.

The land board for the district of Nassau was organized at an early date by Lieutenant Colonel Harris who had come up from Montreal, to relieve Lieutenant Colonel Peter Hunter, who had been granted leave of absence to visit England and did not return until he was appointed to succeed Simcoe as lieutenant governor ten years later.

PROCEEDINGS OF LAND BOARD.

“For the district of Nassau, constituted by His Excellency Lord Dorechester’s Letter of 13th October, 1788, addressed to Lieutenant Colonel Hunter, or Officer Commanding, Lieutenant Colonel Butler, Peter Ten Broeck, R. Hamilton, Benjamin Pawling, and Nathaniel Pettit, Esquires, held their first meeting at Navy Hall, immediately after the January Quarter Sessions of 1789. They having before that time stated to the Governor their reasons for holding the regular boards of examination at the same time with the Quarterly Courts; That the settlement being then mostly brought together, the Claimant could, with ease, procure the testimony of his former acquaintances in his favor, and it furnished also an opportunity to the Settlers to detect and point out such characters as were unworthy a place among them

“At that time the board, having no particular instructions to guide their conduct, proceeded to examine into the loyalty but more particularly into the character of all such persons claiming a settlement as appeared before them. To such as were approved of, they administered the oath of allegiance, and directed the Surveyor to give them a ticket, specifying the quantity of land they and their families were intitled to. All these claimants were already settled, some on the survey lands, and others on the waste land adjoining.

“A Committee of the board to accommodate themselves to the convenience of the settlement went, in February to Fort Erie, where all the claimants of that quarter were directed to attend. Here they followed the same plan, as also after the subsequent Quarter Sessions held in April.

“The Surveyor at these meetings kept a list of all such as were permitted to become settlers.”

The difficulty of making satisfactory surveys is feelingly described by the district surveyor.

FROM PHILIP R. FREY TO JOHN COLLINS.

Nassau 2nd May, 1789.

Sir,

I was duly honoured with your favour of 20th January last acknowledging the receipt of mine of the 18th October, but am very sorry you found it to be laid down on too small a scale, as Captain Man offered me the conveyance I wished to make it as commodious for carriage as possible.

I am sorry that a want of proper paper prevents me from sending down a plan of the Settlement as it is laid out in townships by this conveyance. With respect to my insertion of each Proprietor's name in his Lot be pleased to allow me to observe that the change of property &ca., is as yet so frequent that it would convey but a very uncertain acc't of each man's settlement, therefore could not be depended upon to stand on record &ca. I have not as yet been able to keep my Book of Locations one week without three or four alterations, which arise from the above recited reasons. The quantity of lands now laid out is sufficient for all the settlers and all the families which are likely to come from the American States in the course of this Summer and With the advice of the Commanding Officer, to whom I reported, and the Magistrates have stopt surveying, the people being allowed to roam about and choose situations in every respect suitable to them makes this Settlement very much scattered and it would employ ten surveyors to follow them in order to lay out their lands and unless a speedy stop is put to this the half of the land surveyed will remain unoccupied as they are so exceeding nice in their choice. A township¹ has been laid

1. Probably the township of Binbrook.

out this Winter which was intended to be ready to compleat the additional quantity to reduced officers. I am sorry, it is so much disliked that I believe none will choose their lands there. I inclose a list of those who come under the description you described in order to receive your commands thereon, the place looked upon as eligible, and where we all wish to take our additional quantity is near the Western Boundary Line at the Little Lake, head of Lake Ontario.

Our community is as yet divided in opinion with respect to the place most fit for their town and public buildings, it seems to be the general opinion it had better be voted for, our townships have as yet no names nor do I know what authority to apply to for that purpose but yourself. I could wish to have your directions respecting that matter. I should be happy to have your answer upon the subject of an allowance for stationary or if I may be permitted to ask fees for inspecting the Register to inform people of vacant land in order to make up my expenditures on that score.

I am in hopes of getting some paper when I shall do myself the honour to transmit the plans you desire.

I have the honour to be &c.

P. R. FREY, D. Surveyor.

John Collins, Esqr.

(District of Nassau, Letter Book No. 5, pp. 22-3.)

The following announcement shows that post offices were established at this time and arrangements made for the transmission of mails with regularity as far west as Michilimackinac.

THE QUEBEC GAZETTE.

Thursday, June 4, 1789.

General Post Office,

Quebec, 28th May, 1789.

POST OFFICES HAVE LATELY BEEN ESTABLISHED IN THE NEW Districts Westward of Montreal, as high up as Kingston, formerly Cataracoui.

A Post will be dispatched from Montreal, once every four weeks:—the first Mail will be sent off on Monday 8th June, to convey letters for La Chine, the Cedars, Coteau de Lac, Pointe au Bodet, Lancaster, Charlottenburg, Cornwall, Oznabruck, Williamsburg, Matilda, Edwardsburg, Augusta, Elizabethtown and the three New Townships adjoining, all in the District of Lunenburg. To the Thames, formerly Gananoque, Pittsburg, and Kingston formerly Cataracoui.

From Kingston, letters for Ernestown, for Fredericksburg, Adolphus Town, Marysburg, Sophiasburg, and Ameliasburg, in

the Bay of Quinte; and letters for Niagara¹, Detroit, and Michilimackinac, (at each of three last mentioned places there is a Post Office) will be forwarded under the seal of the Post Office, and sent by the earliest opportunities in a manner to secure dispatch and safety.

HUGH FINLAY,

Dep. Post Master General.

The following letter indicates that Brant had intervened on the behalf of the white people who had settled within the Indian reservation, without altering Dorchester's decision to require their removal.

FROM LORD DORCHESTER TO SIR JOHN JOHNSON.

Quebec 22nd June 1789.

Sir,

I have received the Extract of Lieut. Coll. Butlers report to you of the 14 April last, and the proceedings of a Council with the Chiefs of the Six Nations and Delawares at Niagara on the 10th of February.

I am very glad to find that the differences which had arisen in the Mohawk Nation are laid aside, and that peace, and harmony is re-established among them. Captains Brant, David, Aaron, & Isaac, are all good men, to whom I wish well, and therefore I wish they may long live in peace and friendship together, as they have promised, that they may be the ornament of their own Nations and an example to others.

Capt. Brant ought to understand, that nothing personal with regard to him was decided in his absence, that all such matters were left to be settled in Council, which has now been happily effected, and that he has no reason to be dissatisfied with the answer given to Captains Aaron and Isaac.

As it appears clearly from the papers, that the Lands upon the Grand River were promised by Genl. Haldimand to the Six Nations in General, his presence could not be necessary to decide upon that point.

It is indifferent by what Authority the White people were placed there, Whenever they become the cause of enmity and discord among the Six Nations, they must be removed. Should any Whites now set down upon those Lands with the unanimous consent of the Six Nations, and some years hence be the occasion of unhappiness to them, they must be removed. This is a Rule absolutely necessary for the comfort of the Indians, and for the preservation of their peace, and common Justice requires it should be so.

1. Joseph Edwards, a merchant, was appointed postmaster and retained the office for many years. See Simcoe Papers IV, 196, 299, 328.

The Lands were promised to the Six Nations & their posterity. They as a People are to have the free use and possession of them; and to them they shall be confirmed and secured in a distinct and permanent manner. The Writings necessary for that purpose, shall be prepared and sent to you for their consideration, that they may speak their minds upon what is intended to be done, and propose such matters, as they may think just and reasonable, which if they are found to be so, shall be complied with, and a Law be made afterwards, to secure the free possession of the said Lands to the Six Nations and their posterity for ever.

As to the Indians of the Bay of Quintie, I do by no means detain them, they may remove or stay as they like best; If they choose to stay, their Lands shall be confirmed to them, in the same manner as those of the Grand River; If they choose to remove I have no objection I have no wish or Interest in either but their own comfort and good likeing. But I do not find that any promise ever was made that the Lands Westward of the River La Trenche should not be settled by White People.

It is not in our power to supply the Indians at the Grand River and at the Buffaloe Creek with provisions, as we are in great want ourselves, but I approve of a Seine being given to each of those Settlements if you think it reasonable.

I am with regard &c.

(Signed) DORCHESTER.

To Sir John Johnson Bart.

(State Records, Indian Affairs, copy).

The district surveyor was reprimanded for having exceeded his authority in allotting lands and instructed to comply in future with the regulations prescribed in an order of council.

FROM JOHN COLLINS TO PHILIP R. FREY.

Surveyor General's Office, 20th June, 1789.

Sir,

I have before me your favor of the 2d May and received at the same time from Mr. Lester your two accounts stating the business you had done in the District of Nassau.

I immediately laid them before his Excellency Lord Dorchester for his approbation. His Lordship seemed much surprised and greatly dissatisfied with your account and report respecting the quantities of land you had given to persons he knew nothing of and such as were not comprehended within the meaning of the Order of Council of the 22d October, 1788.

I am directed by his Lordship to request you to report by what authority you gave the lands mentioned in your account. His Lordship declared his disapprobation of the whole transaction, and would not permit that part of your account to go to the Committee of Council, but approved of the charge of seventy pounds two shillings and ten Pence which will be paid with the other contingencies of government. I inclose for your future government a copy of Colonel Butler's memorial and the Order of Council thereon which you are directed strictly to comply with and by no means to grant Land to any person whatever without orders from the Surveyor or Deputy Surveyor General.

In giving out the lands to Colonel Butler and his Corps and in all other cases be careful not to interfere with any prior claims or locations and return such places as are of public utility, vizt., landing places, carrying places and all such as are mentioned in the Regulations for the Land Office. I likewise enclose you the Order of Council for giving the following tracts to the several persons whose names are mentioned in the said order, vizt., Robert Hamilton, Nathaniel Pettit, John Burch, John Warren, and Philip Stedman 700 acres each, for the Widow Murray 400 acres as located by the petitioner if in the gift of the Crown and no part of the lands reserved for public uses.

You will please to observe by the 13th Article of the Regulations for the Land Office, the Surveyor is to make use of no field books, after laying out the first township, whenever he receives an order from the Board (he is from the Plan he has before him) to assign the petitioner a lot of 200 acres, the proprietor is to be at the expence of the survey himself so that no further charge is to be brought on the Crown.

Please to let me have the plans I formerly mentioned and report the surveys for the several persons mentioned in this letter with all convenient speed that I may record them in this office and send up the certificates accordingly. I shall write you fully in a few days an answer to several parts of your letter which remain unanswered.

I am &c.,

JOHN COLLINS.

Philip Frey, Esqr.

(District of Nassau, Letter Book No. 5, pp. 25-6).

Two enterprising Indian traders were successful in their applications for lands in unsurveyed localities for purposes of trading with the Mississaugas.



HON. ROBERT HAMILTON

EXTRACT FROM THE LAND BOOK OF QUEBEC.

14 July, 1789.

14. For Richard Beasley and Peter
Richard Beasley¹ & Smyth, Two Hundred Acres each, one at
Peter Smyth Toronto, the other at Pemitisientiank², a
place on the North of Lake Ontario, if in
the gift of the Crown and not interfering with any public or gen-
eral arrangements.

Philip Frey warmly defended his conduct in the allocation
of lands.

FROM PHILIP R. FREY TO LIEUT. COLONEL HARRIS.

Nassau, July 1789.

Sir,

In answer to the accusation of having taken upon myself the
presumption of granting lands in this District without any kind of
legal authority, permit me to give you a short detail of my pro-
ceedings since my arrival in this District.

In the Month of June, 1787, I began making a regular survey
of this settlement by order of Major Campbell, Commandt. of
Niagara. As the people who were in many places settled upon un-
reserved lands were chiefly disbanded troops I gave them after the
survey of each township description tickets of the lands they had
taken up by consent of the Magistracy, there being then no land
Board instituted, those tickets were merely to give the settlers
the satisfaction of knowing the number of their lots, and I ever
held out to them that they were by no means to look upon them of
any validity to the tenure of their lands, of this I kept a copy to
prevent any confusion.

Also frequently [I] filed descriptions in my office before the
survey was carried so far as to comprehend the more remote
parts of the Settlement, of the lands then really in the occupation
of persons authorized to take such quantities of lands by the Super-
intendents of Districts to prevent as much as possible any con-
fusion until a regular survey of such particular spots should take
place.

Since the institution of the Board I have ever been cautious
to examine the orders directed to me for lands that not one foot
exceeding the quantities therein mentioned was located.

If in the above transactions or others any errors appear
against me, I am sincerely sorry and hope his Excellency Lord

1. A cousin of Hon. Richard Cartwright, who afterwards took an active part
in public affairs as a magistrate, member of the legislative assembly and an
officer in the militia. 2. This place was subsequently known as Smith's
Creek, and is now the site of the town of Port Hope, Peter Smith is stated
to have had a trading post there as early as 1778.

Dorchester will be graciously pleased to pardon me for the offence.

I have had the honor of serving his Majesty in different capacities from the commencement to the close of the late war, this is the first accusation that has ever been brought against & I hope will appear to be groundless. I beg the Honor to be &c.

PHILIP FREY,

D. Surveyor for Nassau.

Lt. Coll. Harris, 60th Regt.

Commanding the Upper Posts, &c., &c.

(District of Nassau Letter Book No. 5, pp. 27-8).

The discontent of many of the Six Nations respecting the purchase of a large tract of their lands in the State of New York was strongly stated at council at Fort Niagara in August.

COUNCIL WITH INDIANS AT NIAGARA.

Proceedings of a Meeting with the Principal Chiefs of the Onondagas, Cayugas & Mohawks.

Niagara 15th August, 1789.

Present Lt. Col. Harris, Comm'g the Upper Posts and Lieut. Colonel Butler Depy. Agent &c. After the Usual Ceremonies had passed.

THE FISH CARRIER Complimented Colo. Harris on his return to this Country after his long Absence, and proceeded Brothers,

You (Colonel Butler) was present and knew what was agreed upon at the Council at Buffalo Creek last Summer when we Sold our Lands to the Americans, & that we were to receive the Payment at a Time then fixed, which the Whole of the Five Nations were to Share in, But we have been deceived. When we went to receive our Shares at Canadague (the Place Appointed) we were much surprised to find that the Senecas had excluded all the Other Nations, from receiving any Part of the Payment for the Lands, and told us that the Lands belonged to them alone. Therefore the Other Nations had no right to expect anything, as the Onondagas & Cayugas had before Sold their Country and kept the Money to themselves and Desired us to go to our Friends the English, as we had no Business there. They also said that the Papers for the Security of the Payment, either by Col. Butler, Mr. Street, Mr. Kirkland, Capt. Brant, or a Mr. Dean, as the Sums mentioned in the Papers was Less than what was first agreed upon at the Council at Buffalo Creek. After this O'Bale was endeavouring to persuade the Senecas not to take the Money, but to go and refer the Matter to Congress, Who would

see them Justified, this Scheme of O'Bale's we Opposed Thinking it much against the Interest of the Five Nations, and therefore advised them to take the Money which we looked upon as Just, & that the Sums was agreeable to the Original Bargain made at Buffalo Creek, and told them that we did not want any Share ourselves and Only asked for Provisions to carry us home.

Brothers, About this time we received an Answer to a letter we had Wrote to Governor Clinton but not a Satisfactory one for he Still looks upon the Unjust Purchase he made from a few of our Young People to be Good and Valid & says he is Determined to Hold it fast, and that if we hinder the Surveyors in their Business he will Look upon it as a Hostile intention and that we mean to Quarrel with him. We now intend to Warn the Governor again as we Did before & to tell him that we see through his Artifice in reserving small tracts of Lands to the Indians by which he hopes to Divide and Weaken us, but this we will endeavour to prevent by Sending for our People who are there to Move off to us, & we have Sent Belts to the Surveyors not to proceed untill this Matter is Settled to our Satisfaction.

We are Sorry that our Brothers the Senecas should differ from us in Opinion, and even reflect upon us for our firm Attachment to the English which they have Now done so Openly, that we hope our Brothers the English will see their true friends and make the Differences according in What is Given us.

(State Records, Indian Affairs).

The records of the dearth in the Niagara settlements at this time are very meagre, but it seems to have continued for more than a year, and was only mitigated by distribution of provisions from the government magazine.

[FROM JOHN RICHARDSON TO JOHN PORTEOUS.

(Extract)

“Fort Erie, 14th June, 1789.

“The distresses of this settlement for provisions have been great, and had it not been for the humane assistance of Col. Hunter, and the uncommon plenty of fish, half the people must literally have starved. Assistance has also been afforded by the arrival of many boats from Schenectady upon a pretence of going to the Genesee. Through that channel at least 200 bbls. have arrived. Mr. Stedman left this for England via Montreal about a month ago, having lost the use of one leg and thigh entirely by the rheumatism. He has left his affairs here in charge of his nephew, Philip Stedman, Junr. He will have occasion to buy a number of cattle that arrive from the States, and there being no hard money here the mode of payment, of course, becomes difficult.”

FROM THE DIARY OF DAVID ZEISBERGER IN 1789

Tuesday, August 25, New Salem. From Detroit, whence two white people came, we learned that the famine was somewhat lessened, for they had harvested something but not enough; there was little hope. In Mackinaw a hundred pounds of flour cost ten pounds. In Niagara many men have starved to death, likewise in Detroit. 11, p. 53.

Friday, Sept. 11. By some of our Indians who came from their hunting in Cuyahoga, to whom two Mingoes from Niagara came, telling them that there this summer there had been hail-storms and that hail-stones as big as apples had fallen and done great damage. Something of the sort we have also had here, the biggest like hickory-nuts, but in no very great abundance. There, however, the night after, the cold and frost were so severe that all the corn was frozen and withered after the sun shone warm, so that men want and have nothing to look forward to except starvation, for they had to slaughter their horses this year and many died of hunger. 11, p. 57, Bliss's translation.

Joseph Brant continued to grumble and seems to have taken offence at the conduct of Lieut. Colonel Harris.

FROM JACOB LINDLEY'S NARRATIVE.

Jacob Lindley, a Quaker, who visited the Niagara District, gives this account of the privations of some of the settlers following the "scarce year."

"They were so reduced by scarcity of bread and provisions of all kinds that they came to an allowance of one spoonful of meal per day for one person, eat strawberry leaves, birch leaves, flaxseed dried and ground in a coffee mill—caught the blood of little pigs—bled the almost famished cow and oxen—walked twelve miles for one shive of bread, paid twelve shillings for twelve pounds of meal. One of the lads who was hired out, carried his little sister two miles on his back to let her eat his breakfast, and they gave him none till dinner. The children leaped for joy at one robin being caught, out of which a whole pot of broth was made. They eat mustard, potato tops, swamp root, and made tea of hops. " Friends' Miscellany Vol. ii quoted by Dorland, History of the Society of Friends in Canada, pp. 64-5.

FROM JOSEPH BRANT TO ROBERT MATHEWS.

Grand River,

Sept. 23rd, 1789.

Dear Friend,

I expected to have had a Line from you, after my Long letter to you partly an answer to yours in Jany. 89. However I

am in hopes that you will write me at this time and tell me all your Civiliz'd good news and as well as bad ones—whether our friends the English has detemined at last to keep the posts for good & all not let the Yankys have them, and whether they mean to keep the Indian Department with the same footing & the same care as they did before or not. Three remarkable sights at Niagara the Fort are repairing in a very strong manner, the Kings store or Indan store but thinly supplied particularly ammunition. The new commanding officer has a new sort of manoeuvres number [of] us cannot understand him. We have seen [a] number [of] officers which have commanded at Niagara we could not allways make out to understand them. Dear friend it is a critical times for us here I mean we the Indians. I felt very unhappy oftentimes of late. The most difficult Part, for me is of having a many children which concerns me about them very much. Particularly when our Indian affairs and situation stands so unsettled the civilized cruelties I mean the Yankys are taking advantage all the while, and our friends the English seems of getting tired of us, if I have not got so many children I would soon do some thing to drown my unhappiness & Leave more marks behind me than what my father did, I think you done very right of not having a Wife & Children other ways would be dam coward like myself—if no Accident happens here I mean to go down to Canada in the winter rather Leisure times for me in the winter allways.

Sir, I remain &c.

JOS. BRANT.

Major Mathews.

(Q. 43-2, pp. 784-5.)

The district surveyor meekly apologised for his past errors and promised implicit obedience to his instructions in future.

FROM PHILIP R. FREY TO JOHN COLLINS.

Niagara, Sept. 28th, 1789.

Sir,

I was duly honoured with your letter of the twentieth June mentioning His Excellency Lord Dorchester's dissatisfaction at my proceedings for which I am truly sorry. The account and charge for surveying lands for disbanded troops would never have been sent down had not the magistrates who compose the Board recommended this measure from a supposition that the disbanded troops here would meet with the same indulgence as their brethren of the Lower Districts. Some time in the month of July last the commanding officer of the Upper Posts ordered me to make a similar report to the one requested in your Letter of the above recited date, a copy of which I have the honor to enclose herewith.

I shall most implicitly obey the instructions sent me and avoid as much as lays in my power to give the least cause of offence or complaint.

The plans shall be transmitted as soon as I can possibly finish them.

I have the honor to be &c.

PHILIP R. FREY.

The Honorable John Collins, Esquire.

(District of Nassau Letter Book No. 5, p. 31).

On the 5th of June, 1789, Lord Sydney was replaced as Secretary of State by William Wyndham Grenville, a cousin of the prime minister, and a very capable administrator. His attention was soon directed to the unsatisfactory state of the relations of the Western Indians with the United States and he gave strict instructions that hostilities were to be prevented if possible to avoid becoming involved in difficulties with either of the contending parties. The charges against Dease had come to his notice and he suggested that the large expenditure in the Indian department might be reduced and part of it applied to more useful purpose. Butler's alleged connection with the purchase of Indian lands had been reported and Dorchester was directed to make an inquiry and report the facts.

FROM W. W. GRENVILLE TO LORD DORCHESTER.

Whitehall 20th Octr., 1789.

(No. 10)

Right Honble

Lord Dorchester.

My Lord,

I have had the honor of receiving and laying before the King your Lordship's Dispatches numbered 108, 120, and 122 addressed to my Predecessor communicating the information you had received from time to time of the proceedings of the Indians. I have also perused several other Letters from your Lordship upon the same subject, which had reached the Office before I was entrusted with the Seals.

In a former dispatch to your Lordship, dated the 5th of April, 1787, I observe that the sentiments of His Majesty's Ministers at that time are fully explained to you respecting these People, and nothing has since appeared that can induce them to propose any change of the general system of conduct therein directed to be pursued.

Mr. McKee's proceedings, which your Lordship has taken notice of, deserve commendation. It is extremely desirable that any requisition likely to be made by the Indians for assistance to

enable them to carry on Hostile operations against the Americans, should if possible, be prevented, for such requisition would in all probability have the effect of involving Us in difficulties with one or the other of the contending Parties.

Whilst I am writing to your Lordship on Indian Affairs, I cannot omit to inform your Lordship, that it has been stated to me from different quarters, that abuses have lately been committed in the Indian Department to a great extent. It is particularly represented that Mr. Dease one of the Deputies of the Superintendant General, has disposed of large quantities of Merchandize provided by Government for the supply of the Indians, to private Traders at Michilimackinac, and that he has even acknowledged this proceeding, and attempted to justify it, by alleging that the produce of the sale was applied to the repair of the store house wherein those articles have usually been deposited, because he was not allowed to make a contingent charge for such repairs equal to the expence required. I understand this transaction has undergone an investigation under your Lordship's direction, and I must therefore request your Lordship to transmit to me a Copy of any Reports which have been made upon it, or any proceedings which have been had in consequence of them.

The information which has been stated me is not, however, confined to Mr. Dease, for it has been stated that private Traders at Niagara and at other Posts, have also been in the practice of disposing of the various Articles belonging to Government, which have been committed to the charge of the Superintendants residing at these Posts. Whether the reports are well founded or not, it is impossible for me to judge, but it appears to me to be a matter worthy of the most serious investigation, and I cannot too particularly direct your Lordship's attention to that object when I observe the heavy expences which those supplies have annually occasioned to this Country.

It is also extremely material that your Lordship should consider the whole subject, and report to me, for the information of His Majesty's Servants, the amount which may probably be required under this head of Service in future years. I am sensible of the importance of securing the attachment of the Indians both on Commercial and Political grounds, but it is impossible not to feel that the expence which has hitherto been incurred on this Account is very large, and that it is at least possible that a part of it might be applied to other purposes with more advantage to the Colony.

The purchases made of the Indian Lands had been mentioned here before your Lordship's Letter upon that subject had arrived and it has been reported that some of His Majesty's Subjects now residing in Canada have been in great measure parties to this Transaction, and I observe, particularly, that your Lordship states in your Letter No. 81, that it is believed that

Colonel Butler is largely concerned in those Grants. I am by no means disposed to give credit on loose or general information to imputations against the conduct of any of the Officers of Government in His Majesty's Colonies, but it is in this instance extremely necessary that your Lordship should inform yourself, as far as you can do, whether this report is founded, and that if you should have reason to think it is, you should then call upon Colonel Butler for a justification of his Conduct in this respect, it appearing upon first view to be no less than applying that influence with the Indians which His Majesty maintains at so large an expence, and of which his Official Situation gives him in great measure the direction, to promote the objects of the United States of America, and to further his own private Interest.

I am &c.

W. W. GRENVILLE.

(Q. 42, pp. 144-7.)

Having at length received regulations and instructions for their guidance the land board began to hold regular meetings in the fall.

PROCEEDINGS OF LAND BOARD.

"In the course of the Summer and fall they received the printed Rules and Regulations for their conduct of February 17th, as well as the additional instructions of August 21st, and

"THE FIRST REGULAR BOARD was held at Niagara October 26, 1789.

"Present: Lieutenant Colonel Harris, Lieutenant Colonel Butler, R. Hamilton.

"Various Letters and printed Rules for their Conduct having been laid before them, the Board proceeded to Read the same. And no other business being then before them, they adjourned the Board to the 29th Inst., then to meet at the 12 Mile Creek in Hunterton, as on that day a muster of the militia of the lower district was to be made there, and it was thought expedient as much as possible to save the time of the settlers."

"LAND BOARD, Hunterton, October 29th, 1789.

"Present: Lieutenant Colonel Butler, Peter Ten Broeck, Robt. Hamilton, and Nathaniel Pettit, Esquires.

"Which day the board proceeded to examine particularly the different Rules and Regulations sent them for their conduct, and they adopted the following data, as what they understand to be the intention of Government, and by which they are to guide themselves in assigning lands to claimants.

"They consider His Majestie's Instructions of 1783, addressed to Governor Hamilton, as conferring:

1,000 Acres to every field officer.

700 Acres to every Captain.

500 Acres to every Subaltern, Staff or Warrant Officer.

200 Acres to every Non-Commissioned Officer.

100 Acres to every Private Soldier, and the same Quantity to every head of a family, being a Loyalist.

50 Acres to every Loyalist a Single Man.

50 Acres to every individual of which the families of all the above described persons shall Consist.

“They consider Lord Dorchester’s Instructions of 2nd June, 1787, as conferring 200 additional acres on all those settlers who have already improved so far as in their power, the lands before granted them, and that this additional bounty extends as well to single men improving their own lands as to the heads of families. From these premises they, therefore conclude that every discharged soldier from His Majestie’s Service is intitled to 300 Acres, every Non-Commissioned Officer to 400, and that every Loyalist, or other received good character settled here prior to the date of the Instructions of 17 February, 1789, is intitled to 200 Acres, together with 50 Acres to each individual of which their families shall consist; That after the date of these instructions persons settling under the denomination of Loyalists, or all others approven of by the Board, shall only receive 200 acres for themselves, leaving the provision for their families to the Commander in Chief’s future bounty, which will certainly follow their decent deportment, and their improving with Industry the grant now made them.

“A question having arisen whether Loyalists and others not particularly distinguished by having taken an active part in the cause of the unity of the British Empire in America should be considered indiscriminately as the Objects of Lord Dorchester’s bounty, and thus become intitled to 300 Acres: It was resolved: That, as it appears to be the wish of Government to distinguish their *Active friends* and *Adherents* by peculiar Marks of Attention—Those *only* who had borne arms, or in some other capacity had served Government during the War—should of right be intitled to this 300 acres, or more in proportion to their rank; and that all others should now only receive 200 acres, leaving the door open for future application in their favor, as the merits of their case may require.

“And as Lord Dorchester’s Bounty of 2nd June, ’87, particularly provides for its extention to all unmarried men occupying Lands as well as to the heads of families, The Board resolve that every young person liable to be called upon to do the duties of a man in the settlement, such as working on the highway, or being mustered in the Militia, shall be esteemed as intitled to this bounty of 200 Acres, and *vice versa*, every person receiving this bounty shall be liable to be called upon and to perform all the duties of a citizen.

“The board further resolve that the claims of all those persons who have served or who say they have served his Majesty during the war shall now be postponed, and the additional bounty to them be deferred till the board have clear proof before them, first, of this service, and secondly, that this has not been rewarded by grants of Land elsewhere.

“And whereas much confusion and uncertainty with regard to particular lots have arisen, from the unfortunate circumstance of a great part of the lands in this district being taken up and settled before any surveys were made, and from the irregular mode these surveys have since been made, by different surveyors, whose Lines often vary from each other, The Board resolve with a view to reduce this confusion to some sort of order, that the surveyor be directed to furnish them plans of each township on a large scale, for the purpose of inserting in the blank space of each lot, as well the owner’s name, as the number of the lot; That each township shall be publicly called together by the magistrates residing therein, and, where the claim to a lot is universally allowed, the owner’s name to be inserted therein. When two claimants to the same lot appear, this shall be left vacant, and the disputants directed to settle as soon as may be their respective claims, either by accommodation or by a reference to arbitration, or to the Court of Common Pleas. When all the settlers’ lots of any township are thus filled up with the owner’s names, the plan and list shall be publicly kept open for some time for the satisfaction of every inhabitant; after which the Land Board shall proceed to grant certificates for the lots thus ascertained.”

Adjourned sine die.

An application from Philip Frey for leave of absence to visit his relatives in the Mohawk valley and for the appointment of some person to carry on his duties was disapproved with an intimation that if he went away, he might lose his place. This warning did not restrain him from leaving never to return.

FROM JOHN COLLINS TO PHILIP R. FREY.

Quebec 5th November, 1789.

Dear Sir,

I am truly sorry to acquaint you that His Excellency Lord Dorchester declines of accepting of anybody named by you to do the business in your absence but says that if you go to the colonies he shall name a person, in which case it might be the loss of your place; if you can possibly dispense with it, I think you would do right to stay. Mr. Holland, son of the Surveyor General, is employed in the drawing Room at 5/ Sterling per day. He has applied to his Lordship for leave to go to England and received the same answer as you have done. His Lordship repeated his wish to have the plans of your settlements sent down

without loss of time. The Surveyor General is now with us, please correspond with him, he has been very ill but is much recovered.

I am with great esteem &c.

JOHN COLLINS.

Philip Frey, Esquire.

(District of Nassau, Letter Book, No. 5, p. 32).

Before the end of the year reports of Indian hostility became so menacing that Dorchester considered it expedient to warn the commandants of all the military posts to be on their guard and direct the militia to be in readiness to assist in their defence against a sudden attack.

FROM LORD DORCHESTER TO W. W. GRENVILLE.

Quebec, 10th November, 1789.

No. 10

Sir,

I have lately had intelligence of hostile designs of the Hurons and other Indians intended to be executed in the course of the Winter against Detroit, and those Indians of the six Nations, and others headed by Joseph Brandt, who profess a determination to adhere to the resolutions of the general confederacy of the Indians, and to resist the encroachments of the Americans upon the Indian country.

One of the roman catholic Missionaries to the Indians at Detroit is said to be principally concerned in this plot, and to have been instrumental in alienating the minds of those people.

Although full credit is not due to these reports, in their present shape, I thought it expedient to put the Commandants of the Western Posts, and the Militia of those districts upon their guard, and to give directions for Inquiry to be made into the truth of them, and for such measures to be taken as our security might require, and the season permit, sending at the same time, under cover to the Commandant to be used as discretion may direct, admonitory letters to both the Missionaries at Detroit, to the Chiefs of the Hurons and a Pastoral letter to the Roman Catholic People of the settlement of Detroit at large, from the Canadian Bishop of Quebec, who has been a Missionary at Detroit for some years, and has influence among the Indians, as well as the Canadian Settlers and traders in those parts.

I am &c.

DORCHESTER

The Right Honble,
W. W. Grenville.

(Q. 43-2, pp. 658-9).

Before winter set in and put an end to frequent communication with the seat of government, Butler and Hamilton who had conducted the business of the lately established court of Common Pleas submitted their first report.

Extract of a Letter from John Butler & Robert Hamilton, Esquires, Judges of the Court of Common Pleas for the District of Nassau, dated Niagara 21 November, 1789.

“The Judges whom His Excellency Lord Dorchester, did the Honor to appoint for this District have continued regularly to hold their Terms along with the other Magistrates at their Quarter Sessions. They are induced to make their Terms Quarterly from the Conviction, that frequent Courts only encouraged Litigation and spent the time of the Inhabitants more properly employed on their Farms. Experience has confirmed this Idea, fewer Pleas are now before them, than when they met Monthly. No Processes of sufficient Magnitude, to require Repeating have come before them; and from none of their past Decisions, do they Apprehend an Appeal is intended.”

A true copy.

THOS. ASTON COFFIN.

(State Records).



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